2020

ANNUAL REPORT

Allen Riley, Chairman
Thomas Loughren, Commissioner
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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.

The Commission of Correction functioned as established for almost eighty years until, in the 1970s, a series of administrative and legal changes significantly expanded the Commission's mission and autonomy.

During this process, the Governor and Legislature also restructured the agency's administration. A full-time, three-member Commission was established, with the members being 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.
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 Article 3 of the New York State Correction Law.

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/jail population capacity;
- Reviewing all incarcerated individuals’ grievances, complaints, and reportable incidents;
- Overseeing new correctional facility development;
- Investigating serious incidents;
- Providing staffing services;
- Assisting in the implementation of new correctional technologies;
- Reviewing cases of incarcerated individual mortality;
- Evaluation and development of health and mental health services.
The Commission is tasked with providing a safe, stable, and humane correctional system and 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 commissioners are assigned to chair the Medical Review Board and the Citizen’s Policy and Complaint Review Council, members of which are also appointed to terms by the Governor.

The Commission is primarily a field services agency with consisting of 26 Correctional Facility Specialists and Senior Utilization Review Nurses assigned to either the Field Operations Bureau or the Forensic Medical Unit. Legal, executive and support services complete the agency’s present staff complement of 36. 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 the correctional system in New York.
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 states 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;
- County Law, 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.
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 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 2000, 2005, 2010 and 2015. After publishing notice and extending an invitation for public comment, said rules were continued without amendment.

Legislation Summary
There were no legislative proposals made to the Governor’s Counsel’s Office for the 2021 session.

Litigation
In the course of the year, one matter of litigation was pending as of the end of 2020.

Legal Opinions
In 2020, Counsel’s Office rendered 30 legal opinions by telephone and 6 legal opinions in writing.

Freedom of Information Law (FOIL) Requests
For the year 2020, the Office of Counsel received and responded to 162 Freedom of Information Law (FOIL) requests for records of the Commission of Correction.

Directives and Citations
In 2020, a Directive was issued to the following Specialized Secure Juvenile Detention Facility for Older Youth:

Woodfield Detention Center
In February 2020, the Commission issued a directive to the Commissioner of the Westchester County Department of Probation, the Commissioner of the Westchester County Department of Correction and the Director of the Woodfield Detention Center for failing to observe the requirements of Correction Law §45(10) and 9 NYCRR §7303.2(a) and §7303.2(b).
Juvenile Justice

In 2020, Counsel’s Office continued to provide guidance and assistance to the Field Operations Bureau with regard to the Commission’s duty of monitoring the state’s compliance with the Juvenile Justice and Delinquency Prevention Act (JJDPA).

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 change 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 the Office of Children and Family Services (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.
The Commission’s Field Operations Bureau is responsible for monitoring New York State’s compliance with the Juvenile Justice and Delinquency Prevention Act (JJDPA). In 2020, compliance of the JJDPA were conducted at:

- Police Department Lockups – 99
- County Correctional Facilities – 8
- New York State Family Courts – 11
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 criminal responsibility 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 regarding a proposed SSD facility on Long Island continue.

Information concerning technical assistance provided to SSD facilities is outlined later in this report.
The COVID-19 pandemic impacted how all state agencies and detention facilities operate, and provided the opportunity for the Commission of Correction to reevaluate current procedures within the agency and detention facilities, and to update methods of communication between other local and state government agencies. This section will outline the Commission’s efforts to ensure the same level of continuous service from the start of the pandemic through the end of 2020.

**Telecommuting**

As an agency comprised mostly of field staff, all of whom were deemed essential employees, the Commission was able to smoothly transition to the work from home (WFH) procedures that affected all agencies. With the help of NYS Information Technology Services, the agency was fully functional within 72 hours of the WFH Directive with minimal disruptions to operations.

Throughout 2020, staff reevaluated the procedures for day to day operations as needed and took significant steps towards becoming paperless. Over the course of the year, these changes proved to reduce the time spent on several processes and, as a result, the Commission experienced a rise in productivity despite the additional workload that the pandemic generated.
Task Force
The Commission immediately established a team of staff, consisting of a Registered Nurse from the Forensic unit and staff from the Field unit. This team was responsible for the development and utilization of a questionnaire for daily collection of data from all county jails and facilities operated by the New York City Department of Correction. The information gathered included:
- Identified operational problems
- Confirmed COVID cases for incarcerated individuals and staff
- Hospitalizations of incarcerated individuals
- Involvement of local health department
- COVID screenings of incarcerated individuals and staff
- Staffing levels
- Supply levels of Personal Protection Equipment (PPE)

Relevant information gathered by the Task Force was shared with various state and local agencies. Such information also assisted in identifying areas that required the provision of technical assistance by either the Forensic or Field units.

Information Gathering
From March 2020 through December 2020 (and into 2021), Commission staff contacted each county jail and the New York City Department of Correction on a daily basis to obtain the required data. To assist in the daily dissemination of COVID-related data to the Governor’s Office and other state agencies, the Commission developed a spreadsheet that incorporated the data reported by each facility.

As the COVID-19 pandemic continued, the Commission modified the questionnaire to focus on areas of information needed to assist in the state-wide efforts in the daily operations of New York’s correctional system.

Information Sharing
Daily information gathered by the Commission was shared with the Governor’s Office, Department of Health, Department of Corrections and Community Supervision and other agencies.
The process of medically screening incarcerated individuals already in custody as well as new admissions
Monitoring availability of Personal Protection Equipment
Assessing protocols for quarantining incarcerated individuals who either tested positive for COVID-19 or were suspected of exposure from someone who tested positive
Providing options for physically separating the incarcerated population in a manner that would help reduce the potential for the spreading of the virus
Continuing facility operations while addressing staffing shortages
Ensuring the safe operation of programs for incarcerated individuals

Collaboration
From the onset of the pandemic, the Commission worked closely with the Governor’s Office and the below state and local agencies in carrying out its mission to ensure the continued safe and humane operation of all correctional facilities in New York.

NYS Department of Health (DOH)
NYS Department of Corrections and Community Supervision (DOCCS)
New York City Department of Correction
NYS Division of Criminal Justice Services (DCJS)
Local and County Health Departments
New York City Health Department

Collaborative Efforts
• The Commission maintained ongoing communication with the Department of Health, providing updates on COVID-related events occurring in county jails and facilities operated by the New York City Department of Correction. Such communications frequently focused on facilities in need of technical assistance with respect to quarantining incarcerated individuals testing positive for COVID and the need to obtain supplies of various PPE. The Commission served as a conduit between DOH, local health departments and correctional facility administrations.
The Commission also maintained ongoing communication with the Department of Corrections and Community Supervision (DOCCS). Such communication focused on the number of state-ready incarcerated individuals testing positive for COVID in both county jails and NYC Department of Correction; a necessary measure as this had a direct impact on DOCCS’ statewide intake process.

On multiple occasions, Commission staff answered the call to volunteer to work with the State Liquor Authority (SLA) in their efforts to monitor compliance at restaurants and other establishments in the New York City area. Commission staff spent several weeks assisting the SLA and prepared and submitted daily reports outlining their findings and observations. Additionally, Commission staff volunteered to assist the Department of Labor with the processing and disbursement of emergency relief money to New Yorkers in need and assisted the Department of Health with the tracking of possibly exposed and/or quarantined individuals and by helping to staff state-run vaccination sites.

**COVID Site Visits**

During 2020, Commission staff completed on-site visits to all county jails to assess facilities’ observance of guidance provided by the Department of Health, Center for Disease Control and the Commission of Correction. COVID-related operations that were assessed included the following:

- Screening of employees
- Screening of incarcerated individuals
- Screening of visitors
- Disinfecting procedures
- Utilization of face coverings

Areas of concern identified by Commission staff were discussed with facility administrations and, where necessary, local health department representatives. A written report summarizing findings was issued to each facility.

**Chairman’s Memoranda**

Throughout 2020, several Chairman’s memoranda were forwarded to sheriffs, commissioners of correction, jail administrators and wardens, jail physicians and facility medical directors. Such memoranda included vital information concerning COVID-19. Additional information regarding these memoranda can be found later in this report.
Housing/Quarantine Determinations
In instances where county jails experienced a significant number of incarcerated individuals testing positive for COVID, the Commission worked closely with those facilities, their local departments of health, and on occasion, the State Department of Health, in determining the safest manner in which to quarantine incarcerated individuals.

Staffing Analyses and Shortages
• To assist county correctional facilities experiencing staff shortages due to COVID-19, the Commission developed a draft 12-hour staffing plan for each facility in the event it were to become necessary to implement such. Due to staff placed under quarantine for a positive test or exposure to someone who tested positive, the Commission discussed with two facilities the potential need to implement 12-hour staff work shifts; while the need did not arise to utilize the plan during this health crisis, the planning documents have become part of a response blueprint that can be altered to fit the needs of future emergencies.
• The Commission also developed an emergency position and staffing analysis for the Ontario County Jail, as it was experiencing significant staff shortages. This analysis comprised of three eight-hour shifts based on the premise that incarcerated individuals were either quarantined or stayed within their assigned housing areas and that programs (i.e., visitation, education, religion, etc.) were discontinued in an attempt to prevent the spread of the COVID-19 virus.
• The Commission provided technical assistance to multiple county correctional facilities as they faced or were about to face staffing shortages due to the COVID-19 pandemic.
• The Commission also provided technical assistance to several Specialized Secure Detention facilities that were facing staff shortages due to the COVID-19 pandemic.
**Variance Relief**
Throughout the COVID-19 pandemic in 2020, the Commission was in constant communication with correctional facilities to assist in areas of operation that were cause for concern in the potential spread of the virus. Specifically, county jails canceled programs (e.g., GED, life skills, etc.) for their incarcerated individual population out of an abundance of caution or lack of providers.

Visitation programs for incarcerated individuals were also initially discontinued until plans could be implemented for the safe operation of said programs. The Commission assisted county jails in implementing non-contact visiting protocols for the incarcerated population. Several county jails requested and received approval from the Commission for variance relief from various elements of 9 NYCRR Part 7008, Visitation, specifically contact visitation requirements. These facilities were authorized to provide non-contact visits only. Such implementation included the installation of barriers between incarcerated individuals and their visitors in an attempt to reduce the potential for the virus spreading during visits, COVID screening (i.e., taking of temperatures, use of questionnaire, etc.) of all visitors, required wearing of masks by all participants and disinfecting of the visiting room after each visit. Approval of these variances was contingent upon facilities’ plans being vetted by their local health department.

**Parole Visits**
The Commission acted as a conduit between county jails and the Department of Corrections and Supervision in implementing protocols that would permit Parole officials access to incarcerated individuals assigned to them. Such protocols included non-contact visits and use of video visits.

**Reportable Incidents**
On a daily basis, the Commission monitored incoming COVID-related incidents reported by county jails, the New York City Department of Correction, and OCFS Secure Centers and Specialized Secure Detention facilities. Such information was used to identify issues of concern and the need for technical assistance, where appropriate.

Several facets of the Commission’s operations required a new approach, all of which is addressed in this report.
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 2020, the following Memoranda were issued:

1-2020 Hepatitis A
Advisory issued by the New York State Department of Health concerning an outbreak of the Hepatitis A virus in the state

2-2020 Health Advisory
- Directed local correctional facilities to coordinate all disease control and prevention efforts with their local/city health departments
- Included links to several state and federal resources such as Department of Health and Center for Disease Control
- Listed COVID-19 symptomology
- Directed facilities to supplement their incarcerated individual admissions and visitor screening instruments to include observations and questioning for such symptomology
- Directed the immediate reporting of COVID-related events to the Commission through the e-JusticeNY Integrated Justice Portal
3-2020 Staffing
- Directed that daily staff posts outlined in the Commission’s Position Staffing Analysis for each facility are considered essential
- Clarified that posts closed due to COVID-19 are not required to be staffed
- Directed the immediate reporting of personnel testing positive for COVID-19, removal or relocation of a staff member for quarantine purposes, any death of facility personnel and any personnel group action that threatens the safety, security and good order of the facility, or results in the facility being unable to maintain minimum staffing levels, or affected scheduled incarcerated individuals programs and/or services

4-2020 Guidance and Supervision of the Incarcerated Population
Provided guidance on the supervision of:
- Individuals in general population
- Individuals quarantined due to responses given during the screening process
- Individuals quarantined because they came into contact with an individual who is suspected of or tested positive for COVID-19
- Individuals who are displaying symptoms consistent with COVID-19
- Individuals who tested positive for COVID-19

5-2020 CDC and DOH COVID-19 Guidance
- Provided overview and link to Center for Disease Control published guidelines on the management of COVID-19 in correctional and detention facilities
- Provided overview and link to Department of Health published guidelines on protocols for the return of essential personnel following COVID-19 exposure or infection
- Directed facilities to immediately review the information with their administration and local health officials, and make any necessary revisions to policies, procedures and operations
6-2020 Executive Order 202.16
- Highlighted the portions of Executive Order 202.16 that is applicable to correctional facilities and included a link to the Executive Order
- Stressed that N-95 respirators should only be worn by employees who have had medical clearance and successful fit testing and are providing direct care to a patient
- Reminder for facilities to coordinate requests for PPE through counties’ local Offices of Emergency Management

7-2020 Discontinuation of Isolation for Patients with COVID-19
- Provided copy of the Department of Health’s Health Advisory: Discontinuation of Isolation for Patients with COVID-19 who Are Hospitalized or in Nursing Homes, Adult Care Homes, or other Congregate Settings with Vulnerable Residents
- Directed facilities to immediately review the information with their administration and local health officials, and make any necessary revisions to policies, procedures and operations

8-2020 Coronavirus Aid, Relief, and Economic Security (CARES) Act
Provided a copy of the Prisoners’ Legal Services of New York summary of eligibility and filing requirements for incarcerated individuals, and a copy of the Simplified Form 1040 and instructions for filing

9-2020 Limitations on Corr. Facility Visitation via the Cluster Action Initiative
Provided information on Executive Order 202.68, the Cluster Action Initiative and guidance from the Department of Health concerning limitations on visitation for facilities located in Red and Orange zones
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 incarcerated individual of a correctional facility, a former correction officer, a former Office of Children and Family Services (OCFS) resident or a duly licensed health care professional, 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 2020, the CPCRC reviewed and rendered determinations on 3668 grievances.

The Citizen’s Policy and Complaint Review Council (CPCRC) convenes monthly. The 2020 CPCRC members included:

Allen Riley, Chair
Donald Nadler

Thomas Cross
Martin Stanton
The Medical Review Board (MRB) was established by the Legislature in 1972 to investigate deaths of incarcerated individuals 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 incarcerated individual of a correctional facility; and

1. (e)(i) 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
- Maintain continuous oversight of correctional health care trends by the substantive response to incarcerated individual health care grievances and review of the Medical Review Board’s recommendations

The Medical Review Board meets on a quarterly basis. The 2020 MRB members included:

Michael Baden, M.D.
Allison Bishop, Esq.
Scott S. Coyne, M.D.
Robert Kurtz, M.D.

Information concerning incarcerated individual mortality cases is included later in this report.
FIELD OPERATIONS MANAGEMENT AND SUPERVISORY STAFF 2020

Director of Operations
TERRY MORAN

Deputy Director of Operations
KEITH ZOBEL

Field Operations Supervisors
CYNTHIA ALLEN
DEBBIE CLARK
ROBERT CUTTITA
DONALD LINCOURT
LARRY ROE

Forensic Unit Supervisor
CHRISTOPHER OST
Field Operations Missions Directed Programs:

- COVID-19 Pandemic Monitoring and Assistance
- 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)
- Regulatory Oversight of Secure Facilities Operated by Office of Children and Family Services
- Co-regulatory Oversight of Specialized Secure Detention Facilities

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 and Family Services.

In 2020, the Bureau of Field Operations consisted of four distinct teams and the Forensic Medical Unit.
Field staff based in both Albany and New York City conduct on-site visits primarily to local correctional facilities and police lockups. This fieldwork includes 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 those in 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.
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 incarcerated individual 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 investigations
- Health services evaluations
- Standards development and compliance
- Resolution of complaints and grievances
- Collection and interpretation of data and statistics
- Development and administration of technical assistance programs
- Policy formulation and advice
Mortality Investigations
In 2020, the State Commission of Correction’s Forensic Unit conducted 51 mortality investigations. Those cases and their corresponding facilities are as follows:

- DANTE TAYLOR – 2017-M-0118 – WENDE CF – SUICIDE
- DANNY ARONSEN – 2017-M-0103 – MARCY CF – NATURAL
- CONNELL BURRELL – SPECIAL INVESTIGATION – ERIE HC – NATURAL
- SEAN FARINA – 2017-M-0128 – COLLINS CF – SUICIDE
- KENNETH BIGGS – 2017-M-0067 – GOWANDA CF – OVERDOSE
- ROXANNE WHITFIELD – 2018-M-0079 – MONROE CF – NATURAL
- ALBERT CLEVELAND – 2017-M-0079 – ATTICA CF – SUICIDE
- ERVING FORD – 2020-M-0037 – SING SING CF – NATURAL
- DAVID DEGONDEA – 2020-M-0001 – GREEN HAVEN CF – OVERDOSE
- SELMIN FERATOVIC – 2017-M-0123 – NYC DOC OBCC – OVERDOSE
- JOHN CALCATERA – 2017-M-0081 – WENDE CF – OVERDOSE
- JEFFREY SAPP – 2017-M-0158 – WYOMING CF – SUICIDE
Mortality Investigations (Continued)

- MICHAEL DIRKSCHNEIDER – 2017-M-0150 – UPSTATE CF – SUICIDE
- DANIEL WINGATE – 2017-M-0094 – AUBURN CF – HOMICIDE
- JUAN MOSQUERO – 2020-M-0025 – SING SING CF – COVID

A breakdown of the completed investigations includes the following:

- NYSDOCCS: 30
- County: 16
- NYCDOC: 4
- NYPD: 0
- Local PD: 1

Causes of death included the following:

- Suicide: 15
- Medical Deaths: 16
- Overdose: 14
- Homicide: 4
- Unknown: 1
- COVID: 1
Special Investigations
In 2020, the State Commission of Correction’s Forensic Unit conducted a special investigation into the healthcare delivery for a living incarcerated individual:

- JONATHAN FINN – SCHENECTADY CJ

Technical Assistance
Construction, Expansion or Planning of Health Care Facilities
- Schoharie County Jail
- Dutchess County Jail
- Herkimer County Jail
- Greene County Jail

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

COVID-19
Forensic staff participated and/or assisted in COVID-19 evaluations at all County Jails, NYC DOC, and Specialized Secure Detention facilities. Forensic staff performed daily monitoring activities of COVID infections at facilities and provided numerous technical assistance advisements.
Pre-COVID
Under normal circumstances, staff would have been scheduled to audit the level of compliance for a specific number of 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. It typically takes up to 10 days to complete the audit process for a small to medium-sized county jail, including in-office pre-audit reviews of facility operational documents. The audit process for larger county jails can take up to 15 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 an overview of their findings, including a preliminary explanation of any non-compliance findings and to provide the opportunity for discussion between Commission and correction staff.

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/commissioner of correction, 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.

**County Jails**

In 2020, as part of its annual staff development program, Commission staff were provided training on the six minimum standard regulations (Parts 7003, 7004, 7005, 7015 and 7075) that were scheduled to be reviewed that year. However, with the onset of COVID-19 in March 2020, plans for on-site county jail evaluations were put on hold to focus on providing technical assistance to facilities as they dealt with the impact the virus had on operations.

In the summer of 2020, the Commission initiated a pilot program in which a limited number of county jail evaluations were conducted virtually through WebEx. As part of this pilot program, the following minimum standards were anticipated to be reviewed:

- Part 7003 - Security and Supervision
- Part 7004 - Correspondence
- Part 7005 - Prisoner Personal Hygiene
- Part 7015 - Sanitation
- Part 7075 - Inmate Confinement and Deprivation
The following county jails were selected as part of the virtual evaluation pilot program:

- Albany County Jail
- Ontario County Jail
- Westchester County Jail

At the conclusion of the first virtual evaluation (Albany County Jail), the Commission determined that the virtual evaluation process, although successful in some ways, was not as effective as on-site evaluations. Accordingly, only Part 7075 was evaluated for the Ontario County Jail and Westchester County Jail, as it was the first time any assessments were completed on this relatively new standard. It was determined that only Part 7075 would be reviewed as part of the virtual evaluations for the remaining county jails, with the evaluations taking place in 2021.

Listed below are Minimum Standard deficiencies identified by Commission staff at the facilities evaluated during 2020. Specific citations for each Part are listed:

**Albany County Jail**

**Part 7003 Security and Supervision**

- §7003.1 – Policy
- §7003.3(a), (c), (h) – Supervision of prisoners in facility housing areas
- §7003.4(a) – Supervision of prisoners outside facility housing areas
- §7003.5(b), (d)(1) – Prisoner population counts
- §7003.6(c) – Requirements of facility staff members prior to assuming responsibilities in an assigned facility area
- §7003.9(d) – Key control

**Part 7004 Correspondence**

- §7004.6(c) – Contraband found in coming prisoner correspondence
- §7004.7 – Inmate retention of correspondence
Albany County Jail (Continued)
Part 7005 Prisoner Personal Hygiene
- §7005.4 – Haircuts
- §7005.5 – Hair styles
- §7005.6(b), (c), (d) – Personal health care items
- §7005.7 – Clothing
- §7005.8 – Laundry
- §7005.10 – Storage of clothing and bedding
- §7005.12 – Deprivation of personal hygiene

Part 7025 Packages
- §7025.1 – Policy
- §7025.2 – Incoming prisoner packages
- §7025.2(d) – Incoming prisoner packages
- §7025.4(a), (c) – Inspection of incoming prisoner packages
- §7025.5 – Deprivation of packages

Part 7070 Educational Services for Youth
- §7070.7(h) – Restriction or denial of educational services

Part 7075 Inmate confinement and deprivation
- §7075.3 – Policy
- §7075.4(c) – Inmate confinement
- §7075.5 – Deprivation of essential services

Ontario County Jail
Part 7075 Inmate confinement and deprivation
- §7075.3 – Policy

Westchester County Jail
Part 7075 Inmate confinement and deprivation
- §7075.3 – Policy
- §7075.4(c), (d) – Inmate confinement
- §7075.5 – Deprivation of essential services
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)

Notes: In June 2020, the Brooklyn Detention Complex 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.

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.

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

Due to the COVID-19 pandemic, minimum standard evaluations were not completed in New York City Department of Correction facilities in 2020.

New York State Office of Children and Family Services
Due to the COVID-19 pandemic, no minimum standard evaluations were completed in the Office of Children and Family Services Secure Centers (Brookwood, Columbia, Goshen and McCormick).

Specialized Secure Detention Facilities
Due to the COVID-19 pandemic, no minimum standard evaluations were completed in Specialized Secure Facilities in Albany County, Erie County, Monroe County, Onondaga County, Westchester County and New York City (2).
Police Department Lockups
Consistent with the evaluation schedule, in 2020, Commission staff assessed compliance at police department lockups with the following Minimum Standard regulations:

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

In 2020, Commission staff assessed Minimum Standard compliance at 55 police department lockups. Due to the COVID-19 pandemic, several of the assessments were completed virtually through WebEx.
REPORTABLE INCIDENTS

County Jails and New York City Department of Corrections
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, 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 2020, contacted facilities to obtain correct information and discuss any error(s) made.

Reportable incidents are 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 2020 the Commission received 8,204 reportable incidents from county jails.

Categories
A preponderance of the reportable incidents submitted by county jails fell into specific categories, as listed in Appendix 1a.

Average Timeframes
Time of Incident to Report Submission: 2 days
Report Submission to Submission Closure: 11 days

Statistics
Please see Appendix 1b for 2020 statistics relating to the following:
- Day(s) and time(s) of incident(s)
- Gender, race, ethnicity and age range of incarcerated individual(s) involved in reported incident(s)

New York City Department of Correction
In 2020 the Commission received 17,597 reportable incidents from jails operated by the New York City Department of Correction (NYCDOC).

Categories
A preponderance of the reportable incidents submitted by NYCDOC fell into specific categories, as listed in Appendix 2a.

Average Timeframes
Time of Incident to Report Submission: 4 days
Report Submission to Submission Closure: 28 days

Statistics
Please see Appendix 2b for 2020 statistics relating to the following:
- Day(s) and time(s) of incident(s)
- Gender, race, ethnicity and age range of incarcerated individual(s) involved in reported incident(s)
Office of Children and Family Services Secure Centers
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 2020, 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 2020 the Commission received 288 reportable incidents from Secure Centers Operated by the Office of Children and Family Services.

Categories
A preponderance of the reportable incidents submitted fell into specific categories, as listed in Appendix 3.

Average Timeframes
Time of Incident to Report Submission: 2 days
Report Submission to Submission Closure: 17 days

Statistics
Please see Appendix 3 for 2020 statistics relating to the following:
- Day(s) and time(s) of incident(s)
- Gender, race, ethnicity and age range of incarcerated individual(s) involved in reported incident(s)
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 2020, 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 submitted 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 2020 the Commission received 1,241 reportable incidents from SSD facilities.

Categories

A preponderance of the reportable incidents submitted fell into specific categories, as listed in Appendix 4.

Average Timeframes

Time of Incident to Report Submission: 26 days**
Report Submission to Submission Closure: 28 days

**Note: This timeframe does not accurately reflect the incident reporting time as there was an identified technical issue that was identified and later resolved.

Statistics

Please see Appendix 4 for 2020 statistics relating to the following:

- Day(s) and time(s) of incident(s)
- Gender, race, ethnicity and age range of incarcerated individual(s) involved in reported incident(s)
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 2020, contacted police departments to obtain correct information and discuss any error(s) made.

Every incident report is submitted 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 2020, the Commission received 496 reported incidents from local police agencies.

Categories
A preponderance of the reportable incidents submitted fell into specific categories, as listed in Appendix 5.

Average Timeframes
Time of Incident to Report Submission: 2 days
Report Submission to Submission Closure: 4 days

Statistics
Please see Appendix 5 for 2020 statistics relating to the following:
- Day(s) and time(s) of incident(s)
- Gender, race, ethnicity and age range of incarcerated individual(s) involved in reported incident(s)
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 incarcerated individual who is known by facility staff to be pregnant, on an incarcerated individual who is in labor, or on any incarcerated individual 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 pregnant woman, as governed by the statute. The Commission is thereafter required to include such reported information in its annual report while excluding identifying information.
Listed below, are the use-of-restraint incidents that were reported to the Commission in 2020:

**Agency:** Broome County Jail – Instance #1  
**Type of Restraint:** Restraint Chair  
**Length of Time in Restraints:**  
- Applied: 7:28 am  
- Removed: 12:36 pm  

**Facility Report - Reasons for Using Restraints:**  
On 2/5/20, after fighting with officers during a court-ordered transport to a doctor’s appointment, incarcerated individual was placed in a restraint chair.

**Agency:** Broome County Jail – Instance #2  
**Type of Restraint:** Restraint Chair  
**Length of Time in Restraints:**  
- Applied: 11:23 pm  
- Removed: 1:26 am  

**Facility Report - Reasons for Using Restraints:**  
On 2/11/20, individual was placed in a restraint chair for not complying with orders and being a danger to herself and others.

**Agency:** Broome County Jail – Instance #3  
**Type of Restraint:** Restraint Chair  
**Length of Time in Restraints:**  
- Applied: 8:00 am  
- Removed: 9:05 am  

**Facility Report - Reasons for Using Restraints:**  
On 2/12/20, individual was placed in a restraint chair for non-compliance and threats towards staff during court-ordered medical appointment.
Agency: Broome County Jail – Instance #4  
Type of Restraint: Restraint Chair  
Length of Time in Restraints:  
- Applied: 9:15 am  
- Removed: 11:24 am  
Facility Report - Reasons for Using Restraints:  
On 2/12/20, individual was placed in a restraint chair for non-compliance and threats towards staff and others during court-ordered medical appointment.

Agency: Broome County Jail – Instance #5  
Type of Restraint: Restraint Chair  
Length of Time in Restraints:  
- Applied: 12:15 pm  
- Removed: 12:20 pm  
Facility Report - Reasons for Using Restraints:  
On 2/21/20, individual was placed in a restraint chair for non-compliance with orders, violent actions and threats.

Agency: Broome County Jail – Instance #6  
Type of Restraint: Handcuffs  
Length of Time in Restraints:  
- Applied: 1:20am  
- Removed: Not provided  
Facility Report - Reasons for Using Restraints:  
On 3/5/20, individual was placed in handcuffs for non-compliance with court-ordered tests and threats towards staff.

Agency: Broome County Jail – Instance #7  
Type of Restraint: Handcuffs  
Length of Time in Restraints:  
- Applied: 1:48 am  
- Removed: Not provided  
Facility Report - Reasons for Using Restraints:  
On 3/11/20, individual was placed in handcuffs for non-compliance with court ordered treatment and pulling IV’s out of her arm and refusing orders to stop.
Agency: New York City Department of Correction (NYCDOC)
Type of Restraint: Leg irons and handcuffs
Length of Time in Restraints:
- Applied: 7:05 am
- Removed: 2:30 pm

Facility Report - Reasons for Using Restraints:
On 11/4/20, incarcerated individual was being transported from the Rose M. Singer Center to the Bedford Hills Correctional Facility. Neither Rose M. Singer staff nor NYCDOC transportation staff was aware that the individual had a termination of pregnancy on 10/15/20 (which is within 8 weeks of “pregnancy outcome”). NYCDOC staff was made aware of this information by NYS Department of Corrections and Community Supervision on 11/5/2020, the day after the individual was transported to the Bedford Hills Correctional Facility. NYCDOC then conducted an investigation into this matter and found that the Correctional Health Services (CHS) of the Health and Hospitals Corporation failed to notify NYCDOC staff that the individual had a termination of pregnancy. CHS blamed the oversight on a “glitch” with their report and stated that the matter was being addressed.

Location: Rose M. Singer Center facility on Rikers Island

Agency: Onondaga Correction Department
Type of Restraint: Handcuffs and leg irons
Length of Time in Restraints:
- Applied: 7:46 pm
- Removed: 7:50 pm

Facility Report - Reasons for Using Restraints:
On 11/22/20, incarcerated individual was kicking the cell door and screaming. Security staff and a nurse attempted to speak with the individual. The individual then covered up the cell window, preventing staff from looking in the cell. She then threatened to throw urine on staff. Staff entered the cell and the individual became combative. As a result, mechanical restraints were applied. The individual was relocated to another cell and the mechanical restraints were removed. A nurse continued efforts to speak with the individual.
Agency: Onondaga County Justice Center – Instance #1
Type of Restraint: Handcuffs
Length of Time in Restraints:
- Applied: 8:20 pm
- Removed: 8:22 pm

Facility Report - Reasons for Using Restraints:
On 1/9/20, incarcerated individual was brought into the admissions area after being arrested. The arresting officer’s handcuffs were removed from the individual (while in the vestibule) and handcuffs were applied by Justice Center staff and the individual was escorted to holding cell #1. The individual claimed to be pregnant during the admissions process. Medical staff attempted to examine the individual but were met with lack of cooperation. The individual was arraigned and released from custody prior to confirmation of claims.

Location: Onondaga County Justice Center – Admissions area

Agency: Onondaga County Justice Center – Instance #2
Type of Restraint: Handcuffs
Length of Time in Restraints:
- Applied: 10:58 am
- Removed: 11:10 am

Facility Report - Reasons for Using Restraints:
On 9/23/20, after being committed to the custody of the Justice Center (via virtual arraignment) incarcerated individual refused to return to her assigned cell and refused several verbal orders to do so. Staff took hold of her arms in an attempt to escort her to the cell. She resisted and attempted to pull away. Staff took her to the floor and applied handcuffs. She began to bang her head on the floor and staff gained control of her head. She was rolled on her side and continued to kick and flail her legs. The emergency response team was activated. She was placed in a restraint belt, placed on a gurney and then placed in the booking padded cell. Medical staff evaluated her and determined no medical attention was necessary.
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 incarcerated individuals in county jails 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 2020, the Commission received 2,646 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: 1,462
- County Jail: 760
- NYCDOC: 169
- Null/Other: 255

**Categories**

A preponderance of complaints fell into the following categories, as listed in Appendix 6.

**Statistics**

Below are the 2020 statistics relating to the gender of incarcerated individuals who submitted complaints and those incarcerated individuals named by advocates in complaints.
Pursuant to the Commission’s Minimum Standards, 9 NYCRR Part 7032, each county jail is required to establish, implement, and maintain a formal incarcerated individual 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 Commission’s Triage Unit for processing. 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/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 2020, the Commission received and processed 3,668 grievance appeals from county jails. The grievances encompassed 5,351 categories.

**Categories**
A preponderance of grievances fell into the following categories, as listed in *Appendix 7*.

**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. However, the COVID-19 pandemic, along with the turnover of multiple CPCRC members resulted in the cancellation of several monthly meetings in 2020. This had a significant impact in the Council’s ability to meet the required 45 business day timeframe. In 2020, the Commission averaged 67 days to complete the review process.

**Statistics**
Below are the 2020 statistics relating to the gender of incarcerated individuals who appealed grievances to the CPCRC.

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

In 2020, the breakdown of grievance determinations are as follows:
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 highest 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 2020, a total of 127 construction/renovation projects were submitted to the Commission for review at its monthly meetings. These projects represented submittals from the following facility types:

- County Jails (including NYC Department of Correction) - 103
- Specialized Secure Detention Facilities- 15
- NYS Department of Corrections and Community Supervision - 1
- Police Lockups (renovation or consideration for building) - 2

Further, the Commission’s determinations on the 127 projects are broken down as follows:

- Approved - 65
- Denied - 1
- Waived - 1

*Note: The remaining projects were either rescinded or placed on hold by the requesting jurisdiction.*
Specialized Secure Detention Facilities
The Commission continued to work with the following jurisdictions with respect to construction/renovation of SSD facilities:

- Albany County – Capital District Secure Center
- Erie County – Erie County Youth Facility
- Onondaga County – Hillbrook Juvenile Detention Center
- Monroe County – Monroe County Youth Detention Center
- New York City – Crossroads Juvenile Detention Center
- New York City – Horizon Juvenile Detention Center
- Westchester County – Woodfield Juvenile Detention Center

Police Department Lockup Closures
The Commission worked with the following police departments in the closure of their detention areas:

- Batavia
- DeWitt
- East Fishkill
- Hoosick Falls
- Seneca County Sheriff’s Office (lockup located within the jail)
- Watertown
- Wellsville

Technical Assistance
Significant construction-related technical assistance was provided to the following correctional facilities:

- Hillbrook Juvenile Detention Center
- Monroe County Juvenile Detention Center
- Monroe County Jail
- Monroe County Correctional Facility
At the end of 2020, there were approximately 47,493 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 correctional facilities.

Maximum Facility Capacity
In 2020, the Commission commenced a review of all county jail maximum facility capacity (MFC) formulas and implemented a revised format to ensure consistency. The MFC of the below facilities were reviewed, and in some cases, adjusted for a myriad of reasons.

**Cortland County Jail** - The maximum facility capacity for this facility was revised to reflect the new formatting of the Commission’s MFC document.

**Erie County Correctional Facility** - The maximum facility capacity for this facility was revised to reflect the reinstatement of beds within the facility as well as an adjacent facility.

**Hamilton County Jail** - The maximum facility capacity for this facility was revised to reflect the new formatting of the Commission’s MFC document.
Lewis County Jail - The maximum facility capacity for this facility was revised to reflect the new formatting of the Commission’s MFC document.

Monroe County Correctional Facility – The maximum facility capacity rating for this facility was revised to reflect the reinstatement of 58 beds that were previously removed due to unauthorized construction in a housing area.

New York City Department of Correction (Brooklyn Detention Complex) – The maximum facility capacity rating for this facility was reduced to zero, as it was no longer operated by the New York Department of Correction to house incarcerated individuals.

Schoharie County Jail - The maximum facility capacity was established for this newly constructed facility.

Otsego County Jail – The maximum facility capacity for this facility was revised to reflect the reinstatement of all beds due to the completion of a major capital project at the facility.

Tompkins County Jail – The maximum facility capacity rating for this facility was revised to reflect the reduction of one bed and to reflect the new formatting of the Commission’s MFC document.

Westchester County Department of Correction (Jail) - The maximum facility capacity for this facility was revised to reflect the reduction of three beds at the request of the Department.
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 a 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 analysis 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 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 Analyses
During 2020, the following staffing analyses were revised by Field Operations staff:

Dutchess County Jail – the Sheriff requested of and received authorization from the Commission to eliminate certain security supervisory posts commensurate with the declining incarcerated individual average daily population.

Herkimer County Jail – a position and staffing analysis was prepared for the new Herkimer County Jail, which was currently under construction in 2020.

Schoharie County Jail – a position and staffing analysis was prepared for the new Schoharie County Jail, which opened in August 2020.

Wayne County Jail – the facility’s position and staffing analysis was revised to reflect the closure of multiple housing areas, including an adjacent modular dormitory previously used to house incarcerated individuals participating in a work release program. Such revision garnered cost-savings for the county.

Staffing Shortages
During 2020, staffing shortages were experienced by some county correctional facilities. They included:

Ontario County Jail - The Commission developed an emergency position and staffing analysis for the Ontario County Jail, as it was experiencing significant staff shortages. This analysis comprised of three eight-hour shifts based on the premise that incarcerated individuals were either quarantined or stayed within their assigned housing areas and that programs (i.e., visitation, education, religion, etc.) were suspended in an attempt to prevent the spread of the COVID-19 virus.
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 is not limited, to:

- Review of and feedback on functional programs
- Review of and feedback on architectural drawings
- Delivery of informational workshops that prepare counties for the transition during construction and planning of opening and operating new facilities
- On-site assessments of jail transition teams and construction progress
- Review of and feedback on operational documents such as policies and procedures, incarcerated individual handbooks, training and move plans
- On-site monitoring of new jail opening
- On-site assessment of post-move operations

Dutchess County

- In April 2020, the Commission approved the county’s project submittal for construction of a new facility (Justice and Transition Center). SCOC permitted the continuation of capacity variances to allow the county to further assess its long-term bed needs
- In September 2020, the Commission presented a three-day jail transition workshop, which focuses on the various tasks and strategies as the transition team focuses on the eventual opening and operation of the new facility
- Groundbreaking for the new facility commenced in November 2020
Sullivan County
- Throughout the county’s construction of a new jail, SCOC staff continued with multiple on-site visits to assess progress and provide technical assistance.
- The new facility opened in July 2020, with Commission staff on-site and providing technical assistance. The transfer of incarcerated individuals from the old facility to the new facility was completed without incident.

Genesee County
- In early 2020 (prior to the COVID-19 pandemic), Commission staff completed reviews of schematic designs and provided feedback and technical assistance during a teleconference.
- The Commission continued to support the county by extending a variance which provides additional beds at the jail.

Greene County
The Commission continued to provide technical assistance to the Sheriff’s Office during their efforts to prepare for the opening and operation of the new facility, which has since opened in September 2021. Such assistance included reviews of draft operational documents and training plans.

Herkimer County
- In 2020, the Commission continued to provide technical assistance to the Sheriff’s Office during their efforts to prepare for the opening and operation of the new facility, which has since opened in April 2021. Such assistance included reviews of draft operational documents, as well as training and move logistics planning.
- As referenced earlier in this report, the Commission completed a position and staffing analysis for the new facility. Such document outlined the daily security and health services posts needed to safely operate the facility.

Otsego County
The Commission provided technical assistance to the facility as part of its capital project and efforts to re-open housing areas closed during the project.
New York City Department of Correction
In 2019, the New York City Council voted to approve the closure of Rikers Island and replace those facilities on the island with four new, smaller jails. To assist the Department with this historical endeavor, the Commission commenced a series of both in-person and remote meetings with Department officials and architects to discuss the plans, the Commission’s review and approval consideration process, and Minimum Standard regulations that must be factored in when designing the facilities, as well as tentative timeframes. The Commission will continue such efforts throughout this project.
9 NYCRR Part 7075

In 2020, the Commission delivered regional on-site workshops to provide county jails an overview of the newly promulgated regulation governing the confinement of incarcerated individuals and the deprivation of essential services, including each element of the regulation, obligations of facilities, and various methods to be considered in meeting such requirements. Workshops were presented at the following locations:

- Erie County Jail
- Essex County Jail
- Onondaga County Justice Center
- Orange County Jail
- Nassau County Jail
- Rensselaer County Jail
- Steuben County Jail

Security Inspection Workshops

In 2020, the Commission developed a security inspection workshop for Specialized Secure Detention (SSD) facilities that highlighted the Minimum Standard regulations for weekly security inspections, including personnel needed to complete such inspections, areas that must be part of the inspections. The workshops also provided for a group activity in which participants inspected pre-designated areas, discussed specific findings, and offered opportunities for discussion.
Security Inspection Workshops were delivered at the following SSD facilities:
- Capital District Juvenile Secure Detention Facility (Albany)
- Erie County Secure Detention Center (Buffalo)
- Hillbrook Specialized Secure Detention Facility (Syracuse)
- Monroe Children’s Center (Rochester)
- Woodfield Detention Center (Valhalla)

**Schoharie County Jail**
In 2011, the Schoharie County Jail was closed due to severe damage inflicted by Hurricane Irene. Taking into account that many Jail Division staff members have either not worked in a correctional facility in almost 10 years, or never worked in a correctional facility, the Commission presented multiple workshops to assist in this endeavor. They included:
- Part 7075
- Classification
- Grievances
- Discipline
- COVID-19 Pandemic

**Grievance Process**
Each 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 were, 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 NYS' Information Technology Services in developing a new system in which county jails would eventually submit grievances through the eJustice Integrated Justice Portal.

In November 2020, the Commission implemented the above-referenced system, with all county jails required to submit grievance appeals through the e-Justice Integrated Justice Portal. To assist with this new process, the Commission delivered WebEx presentations for all jails, outlining the protocols for obtaining access to the Portal, uploading documents into the Portal and downloading documents submitted by the CPCRC. The implementation was extremely successful, with the Commission and county jails realizing multiple efficiencies.

Throughout 2020, 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 administration and provision of technical assistance are priorities in these instances. In 2020, the Commission deployed staff, or remotely monitored, the Clinton County Jail. In March 2020, an incarcerated individual housed at the Clinton County Jail started a fire in his cell. Commission staff traveled to the facility to assess the damage and habitability of the housing area. It was determined that the housing area in question needed to be vacated due to the permeating odor of smoke. The Commission required an air quality test be completed prior to authorizing the re-opening of the housing area. The facility took immediate action and arranged for such testing. The housing area was re-opened several days later.

**Work Release Programs**

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 2020, the Commission provided related technical assistance to the Monroe 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 2020, technical assistance was provided to various county jails, particularly in light of the impact the COVID-19 pandemic had on operations, the need to quarantine incarcerated individuals who either tested positive for or suspected of being exposed to COVID-19 and to observe the requirements of law.

Minimum Standards
Providing technical assistance on the Commission’s regulations is an ongoing endeavor. In 2020, technical assistance was provided to numerous county jails, police department lockups, and secure centers operated by the Office of Children and Family Services.

Construction
As 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 2020, 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 and 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
Construction (continued)
- 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 2020, the Commission provided security-related technical assistance to numerous correctional facilities.

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 2020, the Commission provided pre-arraignment-related technical assistance to multiple counties.

Specialized Secure Detention Facilities
The Commission provided the following technical assistance to SSD facilities in 2020:

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
Specialized Secure Detention Facilities (Continued)

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

Woodfield Detention Center
- Completed technical assistance reviews of construction/renovation plans
- Assisted with recertification, including review of policies and procedures
- Assisted with variance application
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 2020, such assistance was provided on several occasions through WebEx discussions.
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.

In response to the COVID-19 pandemic, the Commission approved variances for the below-listed county jails to allow for non-contact visiting for the incarcerated individual population. This entailed the installation of barriers in an attempt to prevent the spread of the virus during visits.

Dutchess County Jail
Erie County - Correctional Facility & Holding Center
Franklin County Jail
Fulton County Jail
Genesee County Jail
Monroe County Jail
Rockland County Jail
Suffolk County Jail - Riverhead & Yaphank Facilities
Westchester County Department of Correction
Wyoming County Jail
Yates County Jail
**Capacity Variances**
Correctional facilities may request capacity relief from 9 NYCRR Part 7040 when experiencing overcrowding. In 2020, there were no new requests for capacity-related variance relief. Related variance activity is listed below.

**Dutchess County Jail** – At the request of the county, the Commission revoked the variance that permitted the operation of four modular housing areas that consisted of 200 beds. Such request was in response to the facility’s reduced population and the county’s desire to use the modular units to support the homeless.

**Special Secure Detention Facility – Woodfield Cottage** – The Commission approved variance relief concerning youth beds.

**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 in 2020 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 incoming incarcerated individual 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 2020, construction of a new facility continued, with an anticipated opening in spring 2021.

**Jefferson County Jail** – The Commission approved a variance which permits the facility to photocopy incoming non-legal correspondence and provide the photocopy to the recipient incarcerated individuals. This variance was requested in an effort to prevent contraband from entering the facility through incoming incarcerated individual correspondence.
Livingston County Jail – The Commission approved a variance which permits the facility to photocopy incoming non-legal correspondence and provide the photocopy to the recipient incarcerated individuals. This variance was requested in an effort to prevent contraband from entering the facility through incoming incarcerated individual correspondence.

Monroe County Jail – The Commission approved a variance which permits the facility to photocopy incoming non-legal correspondence and provide the photocopy to the recipient incarcerated individuals. This variance was requested in an effort to prevent contraband from entering the facility through incoming incarcerated individual correspondence.

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

Orange County Jail – The Commission approved a variance which permits the facility to photocopy incoming non-legal correspondence and provide the photocopy to the recipient incarcerated individuals. This variance was requested in an effort to prevent contraband from entering the facility through incoming incarcerated individual correspondence.

Rockland County Jail – The Commission approved a variance which permits the facility to photocopy incoming non-legal correspondence and provide the photocopy to the recipient incarcerated individuals. This variance was requested in an effort to prevent contraband from entering the facility through incoming incarcerated individual correspondence.

Schenectady County Jail – The Commission approved a variance which permits the facility to photocopy incoming non-legal correspondence and provide the photocopy to the recipient incarcerated individuals. This variance was requested in an effort to prevent contraband from entering the facility through incoming incarcerated individual correspondence.
Westchester County Jail – The Commission approved a variance which permits the facility to photocopy incoming non-legal correspondence and provide the photocopy to the recipient incarcerated individuals. This variance was requested in an effort to prevent contraband from entering the facility through incoming incarcerated individual correspondence.

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

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

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

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

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

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

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


## Appendix 1a:
Reportable Incident Categories - County Jails

<table>
<thead>
<tr>
<th>Category/Subcategory</th>
<th>Total Incidents</th>
<th>% of Total Incidents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Contagious Illness</td>
<td>2,154</td>
<td>26.26%</td>
</tr>
<tr>
<td>Individual Inmate Disturbance</td>
<td>1,583</td>
<td>19.30%</td>
</tr>
<tr>
<td>Inmate Contagious Illness</td>
<td>1,044</td>
<td>12.73%</td>
</tr>
<tr>
<td>Hospital Admission of Inmate</td>
<td>647</td>
<td>7.89%</td>
</tr>
<tr>
<td>Inmate-Introduced Contraband</td>
<td>531</td>
<td>6.47%</td>
</tr>
<tr>
<td>Inmate cell confinement</td>
<td>496</td>
<td>6.05%</td>
</tr>
<tr>
<td>Inmate/Inmate Assault</td>
<td>489</td>
<td>5.96%</td>
</tr>
<tr>
<td>Minor Disturbance</td>
<td>304</td>
<td>3.71%</td>
</tr>
<tr>
<td>Inmate segregation</td>
<td>297</td>
<td>3.62%</td>
</tr>
<tr>
<td>Inmate Self-Inflicted Injury</td>
<td>155</td>
<td>1.89%</td>
</tr>
<tr>
<td>Inmate Attempted Suicide</td>
<td>129</td>
<td>1.57%</td>
</tr>
<tr>
<td>Deprivation/Limitation of essential services</td>
<td>118</td>
<td>1.44%</td>
</tr>
<tr>
<td>Inmate/Personnel Assault</td>
<td>116</td>
<td>1.41%</td>
</tr>
<tr>
<td>Unknown Source-Introduced Contraband</td>
<td>109</td>
<td>1.33%</td>
</tr>
<tr>
<td>Major Maintenance/Service Disruption</td>
<td>81</td>
<td>0.99%</td>
</tr>
<tr>
<td>Release of segregated inmate</td>
<td>77</td>
<td>0.94%</td>
</tr>
<tr>
<td>Release of Hospitalized Inmate From Custody</td>
<td>69</td>
<td>0.84%</td>
</tr>
<tr>
<td>Group Contagious Illness</td>
<td>63</td>
<td>0.77%</td>
</tr>
<tr>
<td>Inmate Group Assault/Gang Assault</td>
<td>50</td>
<td>0.61%</td>
</tr>
<tr>
<td>Inmate Accidental Injury</td>
<td>43</td>
<td>0.52%</td>
</tr>
<tr>
<td>Cessation deprivation/limitation of essential serv</td>
<td>33</td>
<td>0.40%</td>
</tr>
<tr>
<td>Personnel/Inmate Sexual Offense</td>
<td>31</td>
<td>0.38%</td>
</tr>
<tr>
<td>Cessation of inmate cell confinement</td>
<td>28</td>
<td>0.34%</td>
</tr>
<tr>
<td>A declared county/state of emergency</td>
<td>24</td>
<td>0.29%</td>
</tr>
<tr>
<td>Cancelation of outdoor exercise</td>
<td>22</td>
<td>0.27%</td>
</tr>
<tr>
<td>Visitor-Introduced Contraband</td>
<td>19</td>
<td>0.23%</td>
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<tr>
<td>Attempted Escape</td>
<td>14</td>
<td>0.17%</td>
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<tr>
<td>Inmate Group Action</td>
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<tr>
<td>Inmate/Inmate Sexual Offense</td>
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<tr>
<td>Major Disturbance</td>
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<td>0.15%</td>
</tr>
<tr>
<td>Denial/limitation of educational services</td>
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<tr>
<td>Inmate toilet/sink access</td>
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<td>0.12%</td>
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<tr>
<td>Personnel Accidental Injury</td>
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<tr>
<td>Inmate/Personnel Sexual Offense</td>
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<tr>
<td>Natural/Civil Emergency</td>
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<td>Personnel-Introduced Contraband</td>
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<tr>
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<tr>
<td>Erroneous Releases</td>
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<td>Personnel Death</td>
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<td>0.05%</td>
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<tr>
<td>Personnel/Inmate Assault</td>
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<tr>
<td>Fire/Non-arson</td>
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<tr>
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<tr>
<td>Escape/County Supervision</td>
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<tr>
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<tr>
<td>Arrest of Staff</td>
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<tr>
<td>Capture/Return to custody of escaped inmate</td>
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<tr>
<td>Discharge of Firearm</td>
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<td>0.01%</td>
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<tr>
<td>Inmate/Visitor Assault</td>
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<tr>
<td>Release of segregated vulnerable inmate</td>
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</tr>
<tr>
<td>Vulnerable inmate cell confinement</td>
<td>1</td>
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</tr>
</tbody>
</table>
Appendix 1b: Reportable Incident Statistics- County Jails

Note: Ethnicity- 2,351 were not reported or reported as null; 379 were reported as unknown
Gender- 2,351 were not reported or reported as null; 2 were reported as unknown
Age Range- 3,410 were reported as null

**Null data- incidents that do not relate to a specific incarcerated individual will not record age, gender or ethnicity (i.e. staff incidents, unknown sourced contraband, etc.)**
## Appendix 2a:
### Reportable Incident Categories - NYCDocs

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<tr>
<td>Cap/Ret to custody of an abs or err rel inmate</td>
<td>4</td>
<td>0.05%</td>
</tr>
<tr>
<td>Erroneous Releases</td>
<td>4</td>
<td>0.05%</td>
</tr>
<tr>
<td>Personnel Death</td>
<td>4</td>
<td>0.05%</td>
</tr>
<tr>
<td>Personnel/Inmate Assault</td>
<td>4</td>
<td>0.05%</td>
</tr>
<tr>
<td>Fire/Arson</td>
<td>3</td>
<td>0.04%</td>
</tr>
<tr>
<td>Fire/Non-arson</td>
<td>3</td>
<td>0.04%</td>
</tr>
<tr>
<td>Vulnerable inmate segregation</td>
<td>3</td>
<td>0.04%</td>
</tr>
<tr>
<td>Escape/County Supervision</td>
<td>2</td>
<td>0.02%</td>
</tr>
<tr>
<td>Mechanical restraint of an inmate during exercise</td>
<td>2</td>
<td>0.02%</td>
</tr>
<tr>
<td>Arrest of Staff</td>
<td>1</td>
<td>0.01%</td>
</tr>
<tr>
<td>Capture/Return to custody of escaped inmate</td>
<td>1</td>
<td>0.01%</td>
</tr>
<tr>
<td>Discharge of Firearm</td>
<td>1</td>
<td>0.01%</td>
</tr>
<tr>
<td>Inmate/Visitor Assault</td>
<td>1</td>
<td>0.01%</td>
</tr>
<tr>
<td>Release of segregated vulnerable inmate</td>
<td>1</td>
<td>0.01%</td>
</tr>
<tr>
<td>Vulnerable inmate cell confinement</td>
<td>1</td>
<td>0.01%</td>
</tr>
</tbody>
</table>
Appendix 2b: Reportable Incident Statistics- NYCDocs

Note:
- Ethnicity: 1,774 were not reported or reported as null; 4,614 were reported as Hispanic
- Gender: 1,774 were not reported or reported as null; 34 were reported as unknown
- Age Range: 4,676 were reported as null

**Null data - incidents that do not relate to a specific incarcerated individual will not record age, gender or ethnicity (i.e. staff incidents, unknown sourced contraband, etc.)**
Appendix 3: Reportable Incident Categories and Statistics - OCFS

<table>
<thead>
<tr>
<th>Category/Subcategory</th>
<th>Total Incidents</th>
<th>% of Total Incidents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Individual Resident Disturbance</td>
<td>127.0</td>
<td>44.10%</td>
</tr>
<tr>
<td>Resident/Staff Assault</td>
<td>108.0</td>
<td>37.50%</td>
</tr>
<tr>
<td>Resident Self-Inflicted Injury</td>
<td>65.0</td>
<td>22.57%</td>
</tr>
<tr>
<td>Resident/Resident Assault</td>
<td>58.0</td>
<td>20.14%</td>
</tr>
<tr>
<td>Contraband Other</td>
<td>12.0</td>
<td>4.17%</td>
</tr>
<tr>
<td>Major Maintenance/Service Disruption</td>
<td>7.0</td>
<td>2.43%</td>
</tr>
<tr>
<td>Resident Attempted Suicide</td>
<td>6.0</td>
<td>2.08%</td>
</tr>
<tr>
<td>Contraband Controlled Substance</td>
<td>5.0</td>
<td>1.74%</td>
</tr>
<tr>
<td>Resident Group Assault/Gang Assault</td>
<td>4.0</td>
<td>1.39%</td>
</tr>
<tr>
<td>Contraband Dangerous Weapon</td>
<td>3.0</td>
<td>1.04%</td>
</tr>
<tr>
<td>Minor Disturbance</td>
<td>3.0</td>
<td>1.04%</td>
</tr>
</tbody>
</table>

**Note:** Ethnicity - 19 were not reported or reported as null; 52 were reported as Hispanic
Gender - 19 were not reported or reported as null
Age Range - 112 were reported as null

**Null data:** incidents that do not relate to a specific incarcerated individual will not record age, gender or ethnicity (i.e. staff incidents, unknown sourced contraband, etc.)
Appendix 4: Reportable Incident Categories and Statistics - SSD's

Note: Ethnicity- 20 were not reported or reported as null; 526 were reported as Hispanic
Gender- 20 were not reported or reported as null
Age Range- 862 were reported as null

**Null data- incidents that do not relate to a specific incarcerated individual will not record age, gender or ethnicity (i.e. staff incidents, unknown sourced contraband, etc.)

**The "Incident to Reported" data does not accurately reflect incident reporting timeframes as there was an identified technical issue that was identified and later resolved.
Appendix 5: Reportable Incident Categories and Statistics - Lockups

<table>
<thead>
<tr>
<th>Category/Subcategory</th>
<th>Total Incidents</th>
<th>% of Total Incidents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Inmate Injury/illness requiring hospitalization</td>
<td>444.0</td>
<td>89.52%</td>
</tr>
<tr>
<td>Disturbance</td>
<td>57.0</td>
<td>11.49%</td>
</tr>
<tr>
<td>Civil Emergency</td>
<td>1.0</td>
<td>0.20%</td>
</tr>
</tbody>
</table>

**Note:** Ethnicity - 8 were not reported or reported as null; 144 were reported as not Hispanic
Gender - 8 were not reported or reported as null; 56 were reported as unknown.
Age Range - 81 were reported as null

Null data - incidents that do not relate to a specific incarcerated individual will not record age, gender or ethnicity (i.e. staff incidents, unknown sourced contraband, etc.)
## Appendix 6: Complaint Categories

<table>
<thead>
<tr>
<th>Category/Subcategory</th>
<th>Total Complaints</th>
<th>% of Total Complaints</th>
</tr>
</thead>
<tbody>
<tr>
<td>Inmate Fears for Safety</td>
<td>528</td>
<td>19.93%</td>
</tr>
<tr>
<td>Staff Misconduct</td>
<td>480</td>
<td>18.14%</td>
</tr>
<tr>
<td>Not Under SCOC Purview</td>
<td>438</td>
<td>16.55%</td>
</tr>
<tr>
<td>Medical Treatment</td>
<td>422</td>
<td>15.95%</td>
</tr>
<tr>
<td>Personnel on Inmate Harassment</td>
<td>355</td>
<td>13.42%</td>
</tr>
<tr>
<td>Bail/Release</td>
<td>322</td>
<td>12.17%</td>
</tr>
<tr>
<td>Personnel on Inmate Physical Assault</td>
<td>272</td>
<td>10.28%</td>
</tr>
<tr>
<td>Grievance Program</td>
<td>223</td>
<td>8.43%</td>
</tr>
<tr>
<td>Discipline</td>
<td>222</td>
<td>8.39%</td>
</tr>
<tr>
<td>Miscellaneous</td>
<td>203</td>
<td>7.67%</td>
</tr>
<tr>
<td>Parole</td>
<td>140</td>
<td>5.29%</td>
</tr>
<tr>
<td>Court Issues</td>
<td>123</td>
<td>4.65%</td>
</tr>
<tr>
<td>Facility Transfer</td>
<td>117</td>
<td>4.42%</td>
</tr>
<tr>
<td>Sanitation</td>
<td>105</td>
<td>3.97%</td>
</tr>
<tr>
<td>Personnel on Inmate Sexual Harassment</td>
<td>91</td>
<td>3.44%</td>
</tr>
<tr>
<td>Medication</td>
<td>83</td>
<td>3.14%</td>
</tr>
<tr>
<td>Physical Plant</td>
<td>80</td>
<td>3.02%</td>
</tr>
<tr>
<td>Food Services</td>
<td>78</td>
<td>2.95%</td>
</tr>
<tr>
<td>Correspondence</td>
<td>75</td>
<td>2.83%</td>
</tr>
<tr>
<td>Personnel on Inmate Sexual Abuse</td>
<td>72</td>
<td>2.72%</td>
</tr>
<tr>
<td>Inmate Personal Hygiene</td>
<td>66</td>
<td>2.49%</td>
</tr>
<tr>
<td>Medical Personnel Misconduct</td>
<td>63</td>
<td>2.38%</td>
</tr>
<tr>
<td>Mental Health Treatment</td>
<td>62</td>
<td>2.34%</td>
</tr>
<tr>
<td>Drug, Alcohol, Rehabilitation Programs</td>
<td>59</td>
<td>2.23%</td>
</tr>
<tr>
<td>Visitation</td>
<td>58</td>
<td>2.19%</td>
</tr>
<tr>
<td>Loss of Personal Property/Property Claims</td>
<td>56</td>
<td>2.12%</td>
</tr>
<tr>
<td>Package</td>
<td>55</td>
<td>2.08%</td>
</tr>
<tr>
<td>Inmate on Inmate Physical Assault</td>
<td>53</td>
<td>2.00%</td>
</tr>
<tr>
<td>Inmate on Inmate Harassment</td>
<td>50</td>
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</tr>
<tr>
<td>Telephone</td>
<td>50</td>
<td>1.89%</td>
</tr>
<tr>
<td>Law Library</td>
<td>47</td>
<td>1.78%</td>
</tr>
<tr>
<td>Too Vague To Classify</td>
<td>44</td>
<td>1.66%</td>
</tr>
<tr>
<td>Medical Access to Services</td>
<td>43</td>
<td>1.63%</td>
</tr>
<tr>
<td>Jail Time/Sentence Calculation</td>
<td>39</td>
<td>1.47%</td>
</tr>
<tr>
<td>Commissary</td>
<td>37</td>
<td>1.40%</td>
</tr>
<tr>
<td>Classification</td>
<td>36</td>
<td>1.36%</td>
</tr>
<tr>
<td>Administrative Segregation</td>
<td>32</td>
<td>1.21%</td>
</tr>
<tr>
<td>Outdoor Exercise</td>
<td>30</td>
<td>1.13%</td>
</tr>
<tr>
<td>Religion</td>
<td>30</td>
<td>1.13%</td>
</tr>
<tr>
<td>Discriminatory Treatment</td>
<td>29</td>
<td>1.10%</td>
</tr>
<tr>
<td>Inmate Self Harm</td>
<td>25</td>
<td>0.94%</td>
</tr>
<tr>
<td>Searches</td>
<td>24</td>
<td>0.91%</td>
</tr>
<tr>
<td>Dental Treatment</td>
<td>21</td>
<td>0.79%</td>
</tr>
<tr>
<td>Inmate Work Program</td>
<td>20</td>
<td>0.76%</td>
</tr>
<tr>
<td>Housing Unit Procedures</td>
<td>19</td>
<td>0.72%</td>
</tr>
<tr>
<td>ROL</td>
<td>16</td>
<td>0.60%</td>
</tr>
<tr>
<td>Good Behavior Allowance</td>
<td>16</td>
<td>0.60%</td>
</tr>
<tr>
<td>Education Programs</td>
<td>14</td>
<td>0.53%</td>
</tr>
<tr>
<td>Inmate on Inmate Sexual Harassment</td>
<td>14</td>
<td>0.53%</td>
</tr>
<tr>
<td>Admissions</td>
<td>13</td>
<td>0.49%</td>
</tr>
<tr>
<td>Inmate on Inmate Sexual Abuse</td>
<td>13</td>
<td>0.49%</td>
</tr>
<tr>
<td>Special Housing Unit Procedures</td>
<td>11</td>
<td>0.42%</td>
</tr>
<tr>
<td>Inmate Records</td>
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<td>0.35%</td>
</tr>
<tr>
<td>Indoor Exercise</td>
<td>7</td>
<td>0.26%</td>
</tr>
<tr>
<td>Printed Materials And Publications</td>
<td>6</td>
<td>0.23%</td>
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<tr>
<td>Chemical Agents</td>
<td>5</td>
<td>0.19%</td>
</tr>
<tr>
<td>Laundry</td>
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<td>0.19%</td>
</tr>
<tr>
<td>Medical Diets</td>
<td>5</td>
<td>0.19%</td>
</tr>
<tr>
<td>ADA-Disability</td>
<td>4</td>
<td>0.15%</td>
</tr>
<tr>
<td>Probation</td>
<td>4</td>
<td>0.15%</td>
</tr>
<tr>
<td>Double Colling</td>
<td>3</td>
<td>0.11%</td>
</tr>
<tr>
<td>Funeral and Deathbed</td>
<td>3</td>
<td>0.11%</td>
</tr>
<tr>
<td>Double Bunking</td>
<td>2</td>
<td>0.08%</td>
</tr>
<tr>
<td>Marriage</td>
<td>1</td>
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</tr>
<tr>
<td>Mechanical Restraints</td>
<td>1</td>
<td>0.04%</td>
</tr>
<tr>
<td>Notary Services</td>
<td>1</td>
<td>0.04%</td>
</tr>
<tr>
<td>Temporary Release Program</td>
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<td>0.04%</td>
</tr>
<tr>
<td>Work Release</td>
<td>1</td>
<td>0.04%</td>
</tr>
</tbody>
</table>
### Appendix 7: Grievance Categories

<table>
<thead>
<tr>
<th>Category/Subcategory</th>
<th>Total Grievances</th>
<th>% of Total Grievances</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Standards</td>
<td>727</td>
<td>19.8%</td>
</tr>
<tr>
<td>Medical Treatment</td>
<td>427</td>
<td>11.6%</td>
</tr>
<tr>
<td>Legal Services</td>
<td>313</td>
<td>8.5%</td>
</tr>
<tr>
<td>Food Services</td>
<td>309</td>
<td>8.4%</td>
</tr>
<tr>
<td>Discipline</td>
<td>298</td>
<td>8.1%</td>
</tr>
<tr>
<td>Medication</td>
<td>287</td>
<td>7.8%</td>
</tr>
<tr>
<td>Grievance Program</td>
<td>260</td>
<td>7.1%</td>
</tr>
<tr>
<td>Prisoner Personal Hygiene</td>
<td>257</td>
<td>7.0%</td>
</tr>
<tr>
<td>Miscellaneous</td>
<td>236</td>
<td>6.4%</td>
</tr>
<tr>
<td>Personnel Verbal Conduct</td>
<td>196</td>
<td>5.3%</td>
</tr>
<tr>
<td>Admissions</td>
<td>164</td>
<td>4.5%</td>
</tr>
<tr>
<td>Security And Supervision</td>
<td>159</td>
<td>4.3%</td>
</tr>
<tr>
<td>Correspondence</td>
<td>153</td>
<td>4.2%</td>
</tr>
<tr>
<td>Medical Access to Services</td>
<td>149</td>
<td>4.1%</td>
</tr>
<tr>
<td>Visitation</td>
<td>144</td>
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<tr>
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</tr>
<tr>
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</tr>
<tr>
<td>Discrimination</td>
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</tr>
<tr>
<td>Religion</td>
<td>110</td>
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<tr>
<td>Telephone</td>
<td>110</td>
<td>3.0%</td>
</tr>
<tr>
<td>Sanitation</td>
<td>99</td>
<td>2.7%</td>
</tr>
<tr>
<td>Searches</td>
<td>97</td>
<td>2.6%</td>
</tr>
<tr>
<td>Mental Health Treatment</td>
<td>90</td>
<td>2.5%</td>
</tr>
<tr>
<td>Exercise</td>
<td>87</td>
<td>2.4%</td>
</tr>
<tr>
<td>Medical Personnel Misconduct</td>
<td>76</td>
<td>2.1%</td>
</tr>
<tr>
<td>Personnel Physical Conduct</td>
<td>62</td>
<td>1.7%</td>
</tr>
<tr>
<td>Medical Diets</td>
<td>53</td>
<td>1.4%</td>
</tr>
<tr>
<td>Dental Treatment</td>
<td>49</td>
<td>1.3%</td>
</tr>
<tr>
<td>Personnel Sexual Conduct</td>
<td>43</td>
<td>1.2%</td>
</tr>
<tr>
<td>Programs And Counseling</td>
<td>35</td>
<td>1.0%</td>
</tr>
<tr>
<td>Packages</td>
<td>34</td>
<td>0.9%</td>
</tr>
<tr>
<td>Physical Plant</td>
<td>31</td>
<td>0.8%</td>
</tr>
<tr>
<td>Maximum Facility Capacity</td>
<td>26</td>
<td>0.7%</td>
</tr>
<tr>
<td>Printed Materials And Publications</td>
<td>22</td>
<td>0.6%</td>
</tr>
<tr>
<td>Access To Media</td>
<td>15</td>
<td>0.4%</td>
</tr>
<tr>
<td>Inmate Labor</td>
<td>13</td>
<td>0.4%</td>
</tr>
<tr>
<td>Chemical Agents</td>
<td>11</td>
<td>0.3%</td>
</tr>
<tr>
<td>Not Under SCOC Purview</td>
<td>11</td>
<td>0.3%</td>
</tr>
<tr>
<td>Too Vague To Classify</td>
<td>10</td>
<td>0.3%</td>
</tr>
<tr>
<td>Educational Services For Youth</td>
<td>4</td>
<td>0.1%</td>
</tr>
<tr>
<td>Funeral And Deathbed Visits</td>
<td>4</td>
<td>0.1%</td>
</tr>
<tr>
<td>Sentence Calculation</td>
<td>4</td>
<td>0.1%</td>
</tr>
<tr>
<td>Staffing Requirements</td>
<td>2</td>
<td>0.1%</td>
</tr>
</tbody>
</table>