



Commission of Correction


ALLEN RILEY
Chairman

THOMAS J. LOUGHREN
Commissioner

YOLANDA CANTY
Commissioner

MEMORANDUM

TO: COMMISSION MEMBERS

FROM: Brian Callahan, General Counsel 

RE: AGENDA FOR COMMISSION MEETING

DATE: April 26, 2023 at 11:00AM

LOCATION: Alfred E. Smith Building, 80 So. Swan Street, 12th Floor,
Albany, New York and Ellenton, Florida 34222.
**Please be advised that proper identification is required at front desk.*

I. MINUTES

SCOC

March 22, 2023 Commission Meeting

CPCRC

April 13, 2023

II. VARIANCES

- A. New York City Department of Correction
George R. Vierno Center
23-V-02
Section 7075.4(a)
Programming Desks

III. CONSTRUCTION

- B. Jefferson County Sheriff's Office
Jefferson County Jail
23-C-044
Housing Unit 3A Floor Renovation
- C. New York City Department of Correction
Anna M. Kross Center
23-C-023
Install Exhibits for Children at Visit Area

- D. New York City Department of Correction
Eric M. Taylor Center
23-C-041
Install Exhibits for Children at Visit Area**
- E. New York City Department of Correction
George R. Vierno Center
23-C-024
Install Exhibits for Children at Visit Area**
- F. New York City Department of Correction
North Infirmary Command
23-C-042
Install Exhibits for Children at Visit Area**
- G. New York City Department of Correction
Robert N. Davoren Center
23-C-026
Install Exhibits for Children at Visit Area**
- H. New York City Department of Correction
Rose M. Singer Center
23-C-025
Install Exhibits for Children at Visit Area**
- I. New York City Department of Correction
Vernon C. Bain Center
23-C-027
Install Exhibits for Children at Visit Area**
- J. New York City Administration for Children's Services
Crossroads Specialized Secure Detention Facility
23-C-032
Hardening and Renovations Phase 2**
- K. New York City Administration for Children's Services
Horizon Specialized Secure Detention Facility
23-C-053
Hardening and Renovations**
- L. Ontario County Sheriff's Office
Ontario County Jail
23-C-038
Replacement Medical Bunks**

M. Ontario County Sheriff's Office
Ontario County Jail
23-C-040
Visitation Floor Replacement

N. Saratoga County Sheriff's Office
Saratoga County Jail
23-C-043
Security System Upgrades

IV. MAXIMUM FACILITY CAPACITY

O. New York City Administration for Children's Services
Horizon Specialized Secure Detention Facility
Revised MFC

V. REGULATORY REVIEW

P. Five Year Regulatory Review



Commission of Correction

ALLEN RILEY
Chairman

THOMAS J. LOUGHREN
Commissioner

YOLANDA CANTY
Commissioner

MINUTES Commission Meeting

STATE COMMISSION OF CORRECTION LOCATIONS:

80 S. Swan Street, 12th Floor, Albany, New York 12210
and
Ellenton, Florida 34222

DATE OF MEETING: March 22, 2023

Chairman Riley called the meeting to order at 11:02 a.m.

PRESENT:

- Allen Riley, Chairman
- Thomas Loughren, Commissioner (**WebEx**)
- Yolanda Canty, Commissioner
- Tricia Amati, Assistant to Chairman/Commissioner
- Debbie Slack-Bean, Associate Attorney
- Jayne Lavigna-Jesmain, Senior Attorney
- Keith Zobel, Deputy Director of Operations
- Cynthia Allen, Correctional Specialist 3
- Chris Ost, Correctional Facility Specialist 3 (**WebEx**)
- Lloyd Robistow, Correctional Facility Specialist 3
- Larry Roe, Correctional Specialist 3
- Adam Tilbe, Correctional Specialist 3
- Ellen Tryon, Correctional Specialist 3 (**WebEx**)
- Sean Desch, Correctional Specialist 1

I. MINUTES

SCOC

February 15, 2023 Commission Meeting	Approved Unanimous Canty/Loughren
February 24, 2023 Supplemental Commission Meeting	Approved Unanimous Canty/Loughren
March 8, 2023 Supplemental Commission Meeting	Approved Unanimous Canty/Loughren

<p>CPCRC March 9, 2023</p>	<p>Approved Unanimous Canty/Loughren</p>
<p>MRB Administrative Closures</p>	<p>Approved Unanimous Loughren/Canty</p>
<p>March 2, 2023 Medical Review Board Meeting</p>	<p>Approved Unanimous Loughren/Canty</p>
<p>I. <u>MFC</u></p>	
<p>A. Onondaga County Sheriff's Office Onondaga County Custody Department Revised MFC</p>	<p>Approved Unanimous Canty/Loughren</p>
<p>II. <u>CONSTRUCTION</u></p>	
<p>B. New York City Department of Correction Rose M. Singer Center 22-C-104 Convert Housing Areas 8 through 16 into a Male Detainee Facility</p>	<p>Approved Unanimous Canty/Loughren</p>
<p>C. New York City Department of Correction Anna M. Kross Center 23-C-014 Cell Door Replacement</p>	<p>Approved Unanimous Canty/Loughren</p>
<p>D. New York City Department of Correction North Infirmary Command 23-C-015 Individual Dayroom Modifications</p>	<p>Approved Unanimous Canty/Loughren</p>
<p>E. Schenectady County Sheriff's Office Schenectady County Jail 23-C-018 Installation of Sanitary Grinder</p>	<p>Approved Unanimous Canty/Loughren</p>
<p>F. Westchester County Department of Probation Woodfield Detention Center 23-C-021 Construction of Wall Separation</p>	<p>Approved Unanimous Canty/Loughren</p>

G. Hempstead Police Department
23-C-006
New Secure Gates

Approved Unanimous
Canty/Loughren

H. New York City Administration for Children's
Services
Crossroads Specialized Secure Detention Facility
23-C-028
Facility Hardening & Renovations Phase 1

Approved Unanimous
Canty/Loughren

III. **MFC**
I. **New York City Department of Correction**
Eric M. Taylor Center
Revised MFC

Commissioner Canty made a motion to go into executive session at 11:05 a.m. to discuss Construction and Medical Review Board items which was seconded by Commissioner Loughren. Commissioner Canty made a motion to exit Executive Session and return to general session at 11:21 a.m., which was seconded by Commissioner Loughren.

The meeting resumed at 11:21 a.m. Motion was made by Commissioner Canty to ratify actions taken in Executive Session regarding Construction and Medical Review Board items, seconded by Commissioner Loughren. Commissioner Canty made a motion to adjourn at 11:22 a.m. which was seconded by Commissioner Loughren.

Respectfully submitted,

Tricia Amati
Assistant to Chairman/Commissioners



Commission of Correction

ALLEN RILEY
Chairman

THOMAS J. LOUGHREN
Commissioner

YOLANDA CANTY
Commissioner

EXECUTIVE SESSION

MINUTES Commission Meeting

STATE COMMISSION OF CORRECTION

LOCATIONS:

80 S. Swan Street, 12th Floor, Albany, New York 12210
and
Ellenton, Florida 34222

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PRESENT:

Allen Riley, Chairman
Thomas Loughren, Commissioner (**WebEx**)
Yolanda Canty, Commissioner
Tricia Amati, Assistant to Chairman/Commissioner
Debbie Slack-Bean, Associate Attorney
Jayne Lavigna-Jesmain, Senior Attorney
Keith Zobel, Deputy Director of Operations
Cynthia Allen, Correctional Specialist 3
Chris Ost, Correctional Facility Specialist 3 (**WebEx**)
Lloyd Robistow, Correctional Facility Specialist 3
Larry Roe, Correctional Specialist 3
Adam Tilbe, Correctional Specialist 3
Ellen Tryon, Correctional Specialist 3 (**WebEx**)
Sean Desch, Correctional Specialist 1

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items, seconded by Commissioner Loughren. Commissioner Canty made a motion to adjourn at 11:22 a.m. which was seconded by Commissioner Loughren.

Respectfully submitted,

Tricia Amati
Assistant to Chairman/Commissioners

CITIZENS' POLICY AND COMPLAINT REVIEW COUNCIL

April 13, 2023

NYS Commission of Correction
at
Alfred E. Smith Office Building
80 South Swan Street, 12th Floor
Albany, NY 12210
WEBEX Meeting

PRESENT:

Commissioner Canty

Council Members:

Albany:

Martin Stanton

Also Present:

Commissioner Thomas Loughren

Deborah Slack-Bean

Jayne Lavigna-Jesmain

Cynthia Allen

Vicky Connors

Commissioner Canty opened the meeting at 1:00 PM.

Commissioner Canty asked for a motion to ratify all actions taken at the March 9, 2023 meeting. Martin Stanton made a motion to ratify all actions taken on March 9, 2023. Commissioner Canty seconded. Carried. Commissioner Canty asked for a motion to approve the minutes of the March 9, 2023 meeting. Martin Stanton made a motion to approve the minutes of the March 9, 2023 meeting. Commissioner Canty seconded. Carried.

Martin Stanton, Commissioner Canty, and Commissioner Loughren reviewed the Denied with Comment grievances for the month of April 2023. Martin Stanton and Commissioner Canty made motions to Deny with the appropriate comment the grievances that they reviewed. These motions were seconded by Commissioner Canty and Martin Stanton respectively, and unanimously passed. Upon the recommendation of Commissioner Loughren, Martin Stanton made a motion to Deny with the appropriate comment the grievances that Commissioner Loughren reviewed. This motion was seconded by Commissioner Canty, and unanimously passed.

Martin Stanton, Commissioner Canty, and Commissioner Loughren reviewed the Expedited grievances for the month April 2023. Martin Stanton and Commissioner Canty made motions to Deny the grievances that they reviewed. These motions were seconded by Commissioner Canty and Martin Stanton respectively, and unanimously passed. Upon the recommendation of Commissioner Loughren, Martin Stanton made a motion to Deny the grievances that Commissioner Loughren reviewed. This motion was seconded by Commissioner Canty, and unanimously passed.

Martin Stanton and Commissioner Canty reviewed seven (7) Facility Responses. Martin Stanton made a motion to refer Cayuga County Facility Responses to Grievance #168391, #170417 Cortland County Facility Response to Grievance #168464, and Onondaga County Facility Response to Grievance #169538 to the Commission for follow up. This motion was seconded by Commissioner Canty, and unanimously passed.

The Council reviewed the remaining grievances.

ACCEPT IN PART

173297 174356 174350 Cayuga CJ	Unanimous
173809 173808 Erie CF	Unanimous
174328 174327 Herkimer CJ	Unanimous

ADMINISTRATIVE CLOSURES

DENY

174645 173658 Albany CJ	Unanimous
174484 174345 173684 173345 Cattaraugus CJ	Unanimous
173965 174354 174352 173970 173969 173964 173943 173580 173556 173535 173533 173532 173354 173353	

173352
173351
173298
Cayuga CJ Unanimous

174244
174070
173926
173768
173748
173712
173484
173256
Chautauqua CJ Unanimous

173874
173482
173481
173361
173360
Chenango CJ Unanimous

173716
Clinton CJ Unanimous

173602
Columbia CJ Unanimous

171338
Cortland CJ Unanimous

174343
174051
173871
173825
173276
Delaware CJ Unanimous

174363
174337
173479
Dutchess CJ Unanimous

174367
174284
174211
174210
174193
174087
174071
174069

174068	
174067	
174028	
174010	
174009	
173941	
173866	
173865	
173660	
173583	
173402	
173359	
173261	
173260	
173244	
Erie CF	Unanimous
174144	
Fulton CJ	Unanimous
174197	
174080	
173750	
173663	
Genesee CJ	Unanimous
174625	
173720	
173616	
Greene CJ	Unanimous
174530	
174529	
174324	
173600	
Herkimer CJ	Unanimous
173723	
Livingston CJ	Unanimous
174524	
174222	
174185	
174091	
174064	
173819	
173713	
173239	
173238	
Monroe CJ	Unanimous

174730
174386
174368
174046
174045
173857
173818
Montgomery CJ Unanimous

174371
173904
173850
173849
173677
173246
Onondaga COR Unanimous

174294
174220
Onondaga CUS Unanimous

174444
174269
174267
174231
174227
174125
173864
173844
173747
173657
173656
173641
172578
173545
173543
173488
173487
173486
Ontario CJ Unanimous

174026
174025
173753
173752
173751
173577
173576
173337
173245
Orange CJ Unanimous

173676 Orleans CJ	Unanimous
174446 Oswego CJ	Unanimous
174362 174196 Putnam CJ	Unanimous
174338 174195 173886 173885 173247 Rockland CJ	Unanimous
173418 Saratoga CJ	Unanimous
174291 Schoharie CJ	Unanimous
174384 174344 174293 173814 173812 173811 173810 173717 173520 173519 St. Lawrence CJ	Unanimous
174584 174374 173734 173719 173581 173536 Suffolk CJ	Unanimous
174256 174255 174229 173637 173636 173398 Sullivan CJ	Unanimous

173773
173771
173770
173769
173477
Tioga CJ Unanimous

174339
173974
173972
173682
Tompkins CJ Unanimous

174304
Ulster CJ Unanimous

174286
174254
174008
174007
173707
173706
173705
173704
Warren CJ Unanimous

174653
Washington CJ Unanimous

174361
174360
174247
174245
174094
174093
174077
174076
174075
174074
174073
174072
174054
173930
173929
173527
173526
173525
173403
173401
Westchester CJ Unanimous

174086
173774
173722
173058
Yates CJ Unanimous

DENIED WITH COMMENT

174084
Albany CJ Unanimous

173817
173767
173746
Broome CJ Unanimous

174357
174353
174351
173968
173967
173966
173942
173296
Cayuga CJ Unanimous

174331
173906
173714
Chautauqua CJ Unanimous

174358
174296
174058
174057
174056
174055
173873
173872
173765
173640
Chenango CJ Unanimous

174213
Delaware CJ Unanimous

174342
174336
174335
174334
174253

174209 174194 173944 173815 173659 Erie CF	Unanimous
173601 173516 Erie CJ	Unanimous
173436 Essex CJ	Unanimous
173749 173721 Genesee CJ	Unanimous
174288 174228 174214 174212 Greene CJ	Unanimous
174375 174330 174329 174326 Herkimer CJ	Unanimous
173853 173544 Jefferson CJ	Unanimous
174266 174184 173338 Monroe CJ	Unanimous
174126 Nassau CJ	Unanimous
174088 Niagara CJ	Unanimous
174124 173579 173542 173485 Ontario CJ	Unanimous

173766 173237 Orange CJ	Unanimous
174104 173744 173480 Oswego CJ	Unanimous
173419 Saratoga CJ	Unanimous
173870 173662 173541 173496 Schenectady CJ	Unanimous
174290 174289 174226 174225 174224 174079 173262 Schoharie CJ	Unanimous
173376 Schuyler CJ	Unanimous
174292 173718 173518 St. Lawrence CJ	Unanimous
174217 174216 Steuben CJ	Unanimous
174332 173733 173521 Suffolk CJ	Unanimous
173399 173336 Sullivan CJ	Unanimous
174092 173772 Tioga CJ	Unanimous

174366	
174365	
174364	
173973	
173971	
173683	
173681	
173680	
173679	
Tompkins CJ	Unanimous
174295	
173824	
173539	
173538	
173524	
173523	
173517	
Ulster CJ	Unanimous
174287	
174285	
174006	
173710	
173709	
173708	
173528	
173258	
Warren CJ	Unanimous
172873	
Washington CJ	Unanimous
174248	
174246	
174208	
174095	
174078	
173934	
173933	
173931	
173661	
173400	
Westchester CJ	Unanimous
174027	
Yates CJ	Unanimous

FACILITY RESPONSES REFERRED TO THE COMMISSION

168391

170417

Cayuga CJ

Unanimous

168464

Cortland CJ

Unanimous

169538

Onondaga CUS

Unanimous

The next CPCRC meeting will be held on Thursday May 11, 2023 at 11:00 A.M. via WebEx.

Commissioner Canty requested a motion to adjourn the meeting, which was made by Martin Stanton, seconded by Commissioner Canty, and carried. The meeting adjourned at 1:23 PM.

Respectfully submitted,

Victoria Connors

Administrative Assistant

STATE COMMISSION OF CORRECTION
FIVE YEAR REVIEW OF RULES ADOPTED BY THE
STATE COMMISSION OF CORRECTION IN CALENDAR YEARS 1998, 2003, 2008,
2013, and 2018
REQUIRED TO BE REVIEWED IN
CALENDAR YEAR 2023

As required by Chapter 262 of the Laws of 1996, the following is a list of rules which were adopted by the State Commission of Correction in calendar years 1998, 2003, 2008, 2013, and 2018 which must be reviewed in calendar year 2023. Public comment on the continuation or modification of these rules was invited. No comments were received. Based upon the belief that said rules further the Commission's mission to provide for a safe, stable and humane correctional system in New York State, and absent public comment to the contrary, the Commission has determined and hereby gives notice pursuant to State Administrative Procedure Act §207(4) that the rules listed below shall continue without modification.

CMC-52-97-00006 Amendment of sections 7040.5 and 7621.6(c) of Title 9
NYCRR

Analysis of the need for the rule: The rule is needed to provide greater flexibility regarding the number of toilets, sinks, and showers that must be provided in multiple occupancy housing areas and conform minimum square footage requirements.

Legal basis for the rule: Correction Law section 45(6).

CMC-37-98-00001 Amendment of sections 7004.6 and 7025.4 of Title
9 NYCRR

Analysis of the need for the rule: The rule is needed to provide local correctional facility administrators with greater flexibility regarding

the disposition of contraband found in incoming correspondence and packages.

Legal basis for the rule: Correction Law section 45(6).

CMC-07-98-00005 Amendment of section 7006.8(a) and (h) of Title
 9 NYCRR

Analysis of the need for the rule: The rule is needed to extend the time frames for conducting disciplinary hearings and to clarify that an incarcerated individual must receive a hearing within 15 days of receipt of a misbehavior report and must receive at least 24 hours prior written notice of the hearing.

Legal basis for the rule: Correction Law section 45(6).

CMC-19-98-00015 Amendment of sections 7006.9(a) and 7008.3(a) of
 Title 9 NYCRR.

Analysis of the need for the rule: The rule is needed to authorize restriction of a portion of an incarcerated individual's weekly visitation time as a sanction for misbehavior.

Legal basis for the rule: Correction Law section 45(6).

CMC-07-98-00006 Amendment of section 7008.4 of Title 9 NYCRR.

Analysis of the need for the rule: The rule is needed to specify that initial visits are non-contact visits.

Legal basis for the rule: Correction Law section 45(6).

CMC-24-98-00024 Amendment of section 7013.8(a) and (b); repeal of

Section 7013.9; and addition of new section 7013.9

Analysis of the need for the rule: The rule is needed to reduce the instances in which an incarcerated individual's classification status must be reviewed and provide greater flexibility regarding the housing of incarcerated individuals pending completion of classification.

Legal basis for the rule: Correction Law sections 45(6) and 500-(b)(6).

CMC-13-98-00003 Repeal of Part 7014 of Title 9 NYCRR.

Analysis of the need for the rule: The rule is needed to repeal unnecessary provisions.

Legal basis for the rule: Correction law section 45(6).

CMC-13-98-00002 Repeal of Part 7017 and addition of new Part 7017 to Title 9 NYCRR.

Analysis of the need for the rule: The rule is needed to streamline the requirements of Part 7017 and eliminate unnecessary provisions.

Legal basis for the rule: Correction Law section 45(6) and (9).

CMC-11-98-00005 Amendment of section 7032.5(d) of Title 9 NYCRR.

Analysis of the need for the rule: The rule is needed to streamline the internal operations of the Citizens' Policy and Complaint Review Council in order to improve the timeliness of its determinations.

Legal basis for the rule: Correction Law sections 42(b)(1) and 45(6).

CMC-28-98-00004 Amendment of section 7040.5 of Title 9 NYCRR.

Analysis of the need for the rule: The rule is needed to make technical conforming changes.

Legal basis for the rule: Correction Law section 45(6).

CMC-04-98-00005 Amendment of sections 7003.3, 7003.4, 7003.6, 7009.1, 7009.5, 7010.2, 7010.5, 7013.2, 7013.9, 7028.3, 7040.4, 7064.4, 7064.8, 7070.2, 7070.6, 7200.2, 7200.3, 7200.6, 7400.4, 7400.6, 7400.11, 7602.4, 7602.5 and 7651.3 of Title 9 NYCRR.

Analysis of the need for the rule: The rule is needed to make technical corrections to various provisions of the Commission's regulations.

Legal basis for the rule: Correction Law section 45(6).

CMC-01-13-00013 Amendment of sections 7005.7 and 7025.2 of Title 9 NYCRR.

Analysis of the need for the rule: The rule is needed to allow local correctional facilities to regulate the source of incoming incarcerated individual's packages.

Legal basis for the rule: Correction Law sections 45(6) and 45(15).

CMC-11-13-00005 Amendment of sections 7013.8, 7064.8, 7300.2, 7414.6, 7601.1 and 7651.3 of Title 9 NYCRR.

Analysis of the need for the rule: The rule is needed to amend references of the Department of Correctional Services to the Department of Corrections and Community Supervision.

Legal basis for the rule: Correction Law sections 45(6) and 45(15).

CMC-11-13-00004 Amendment of sections 7022.5(c), 7200.2(a), 7200.3,
7200.6(b),7202.4(a),7202.6 and 7202.11(a) of Title 9
NYCRR.

Analysis of the need for the rule: The rule is needed to amend the
Commission of Correction's listed address

Legal basis for the rule: Correction Law sections 45(6) and 45(15).

CMC-14-13-00010 Amendment of section 7031.4 of Title 9 NYCRR.

Analysis of the need for the rule: The rule is needed to eliminate the
requirement that law libraries be maintained within a local correctional
facility.

Legal basis for the rule: Correction Law sections 45(6) and 45(15).

CMC-35-13-0006 Amendment of sections 7032.5 and 7032.8 of Title 9
NYCRR.

Analysis of the need for the rule: The rule is needed to allow local
correctional facilities to submit incarcerated individual grievances
electronically.

Legal basis for the rule: Correction Law sections 45(4), 45(6) and
45(15).

CMC-27-13-00011 Amendment of sections 7002.2(a) and 7205.2(c) of Title
9 NYCRR.

Analysis of the need for the rule: The rule is needed to reconcile a
statutory amendment regarding foreign-state incarcerated individual in the
Albany County Correctional Facility.

Legal basis for the rule: Correction Law sections 45(6), 45(15) and 500-o

CMC-01-18-00005-A Renumbering of Chapters V, IV, III of Subtitle AA; renumbering of Part 7300 and sections 7300.1 to 7300.10; amendment of section 7013.2(1)(2) and section 7210.4(e); addition of Chapter III of Subtitle AA; and the addition of Parts 7303 and 7304 of Title 9 NYCRR.

Analysis of the need for the rule: The rule is needed to provide counties the regulatory framework for the construction, renovation, and certification of Specialized Secured Juvenile Detention Facilities for Older Youth.

Legal basis for the rule: Correction Law sections 45(6), 45(10) and 45(15).

CMC-27-18-00002-P Addition of Parts 7301, 7302, 7305, 7306, 7308, 7309, 7310, 7311, 7312, 7313, 7320, 7322, 7326, 7328, 7331, 7332, 7334, 7336, 7342, 7346, 7350, 7352, 7354, 7356, and 7360 of Title 9 NYCRR.

Analysis of the need for the rule: The rule is needed to provide for the minimum standards and regulations for the management of Specialized Secure Juvenile Detention Facilities for Older Youth.

Legal basis for the rule: Correction Law sections 45(6) and 45(15).