



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 SUPPLEMENTAL COMMISSION MEETING

DATE: April 29, 2022 at **9:30 AM**

LOCATION: Alfred E. Smith Building, 80 So. Swan Street, 12th Floor,
Albany, New York.

Note: In the interest of public health and as authorized by Chapter 1 of the Laws of 2022, members of the public are currently prohibited from attending in person. The meeting will be live streamed at:
<https://scoc.ny.gov/commissionmeetings.htm>

I. VARIANCE

- A. **Suffolk County Sheriff's Office**
Suffolk County Jail Riverhead
20-V-07
Visitation
7008.2(b) and 7008.3(c)

- B. **Suffolk County Sheriff's Office**
Suffolk County Jail Yaphank
20-V-08
Visitation
7008.2(b) and 7008.3(c)

Name of Facility: Suffolk County Jail (Riverhead)

Variance #20-V-07

New: **Renewal:** x **Relief from Standard:** 7008.2(b) and 7008.3(c)**Application by:** Warden M. Franchi **Date Request Rec:** 4/27/2022**Last Approved:** 3/29/2022 **Length of Approval:** 1 month **Expiration:** 5/1/2022**Write-up Prepared by:** Larry Roe**Recommendation by Field Staff:** Recommending considering the possibility of approval until June 1, 2022.**Recommendation at Briefing:****Final Recommendation:** Extension request denied, as the community transmission rate is low, according to the Centers for Disease Control.**SUMMARY OF VARIANCE REQUEST**

The facility is requesting to continue limitation of physical contact during visitation and to limit inmates to one visitor per visit to continue to follow safety protocol that have been put in place for everyone's safety and to stop the spread of COVID-19. The facility also documents that there has been an uptick in COVID-19 reported cases, and that in their area cases have increased by 40% from two weeks ago. The facility further documents that their COVID-19 community level falls into a moderate risk category.

VARIANCE HISTORY

Approval until 10/1/20
Renewed until 1/1/21
Renewed until 4/1/21
Renewed until 7/1/21
Renewed until 10/1/21
Renewed until 1/1/22
Renewed until 4/1/22
Renewed until 5/1/22

CONSTRUCTION/RENOVATION PLANS

None at this time

OTHER VARIANCES IN EFFECT

20-v-08 applies the same conditions of this variance to the Department's Yaphank facility

STAFF INFORMATION AFTER SITE VISIT (DATE OF LAST VISIT TO FACILITY):

3/1/2022

DATE OF LAST CYCLE VISIT THAT STANDARD VIOLATIONS WERE IDENTIFIED:

3/1/2022 - MSE

ANY OPEN MINIMUM STANDARD VIOLATIONS:

7002.4 (Property Confiscation)
7003 (Security and Supervision)
7009 (Food Service policy)
7015.2(Sanitation General)
7075.3 Policy
7075.4 (d & f) Reviews of determinations
7075.5(b) Determinations by CAO
7075.5(c) Reviews of determinations

OTHER INFORMATION

A review of grievances and complaint letters revealed that there were none submitted from this facility that were associated to the topic related to this variance.

ANY VIOLATIONS WHICH PERTAIN TO THE VARIANCE'S CONDITIONS:

None

JUSTIFICATION FOR WHY VARIANCE SHOULD OR SHOULD NOT BE EXTENDED:

To allow visitation while protecting the health and safety of the facility and visitors.

RECOMMENDED CONDITIONS IF APPROVED

This variance is approved with the following conditions:

1. Any and all visitation limitations requires the ongoing review and determination of the chief administrative officer pursuant to 9 NYCRR §7008.8;
2. Upon expiration of this variance, renovations made will be removed and the visiting area will be restored to its previous design within seven (7) days;
3. The facility shall maintain a sufficient supply of Personal Protective Equipment (PPE) for staff and incarcerated individuals as part as part of the visitation program;
4. The screening of all prospective visitors shall include search, taking of temperature, symptomology observations and questionnaire;
5. The exception to any one visitor limitation is for any person accompanying a visitor under eighteen (18);
6. Incarcerated individuals and visitors shall wear face coverings;
7. Social distancing (at least six feet apart) between visitors shall be maintained;
8. The visitation schedule and scheduling procedures shall be implemented;

- 9. Incarcerated individuals shall have equal access to visitation;
- 10. Visitation areas shall be disinfected in between sessions; and
- 11. Any submittal to extend this variance beyond June 1, 2022 shall include written verification from the local health department that it continues to find acceptable the facility's plans for non-contact visitation, including screening of visitors, use of facemasks, social distancing of at least six feet and disinfecting of visitation areas in between sessions.
- 12. The facility must submit the written verification identified within stipulation #11 from their local health department with a request for Variance extension no later than May 13, 2022. Failure to submit the aforementioned documentation by May 13, 2022, is grounds to deny the continuation of the Variance.

REVIEWED BY REGIONAL SUPERVISOR: **Larry Roe** **DATE: 4/28/22**

REVIEWED BY DIRECTOR: **DATE:**

COMMENTS BY DIRECTOR:

OFFICIAL USE ONLY:

NOTES OF MEETING:

COUNTY OF SUFFOLK



OFFICE OF THE SHERIFF

ERROL D. TOULON, Jr., Ed.D.
SHERIFF

April 27, 2022

Allen Riley
Chairman/Commissioner
New York State Commission of Correction
80 South Swan Street, 12th Floor
Albany, NY 12210

Dear Chairman Riley,

The Suffolk County Sheriff's Office is requesting a continuance for existing variances, 20-V-07 and 20-V-08 for Part 7008.2 (b), permitting physical contact during visitation, and Part 7008.3 (c), allowing visitation with more than one person at a time, at our correctional facilities until June 1, 2022.

With new contagious sub-variants circulating, there has been an uptick in COVID-19 reported cases. In our area, cases have increased by 40 percent from the average two weeks ago. The latest data indicates an average of 26.5 cases per 100,000 people. Based on these statistics, our COVID-19 community level falls into a moderate risk category. In order to keep moving safely through this pandemic, we need to continue to limit contact visits as well as reduce the number of visitors during each session. Also, due to enhanced cleaning and sanitizing measures of the visiting room after each session, each visit has been limited to thirty (30) minutes. I will monitor these restrictions regularly and notify our incarcerated individual population of these temporary visiting conditions. All previously required conditions will be continued during this public health emergency.

If there is any additional information that you need, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Franchi".

Michael J. Franchi
Warden
Suffolk County Sheriff's Office
(631)-852-2282

cc: Sheriff Errol D. Toulon Jr.
Undersheriff Steven J. Kuehhas
Undersheriff Kevin T. Catalina
Undersheriff Michael J. Catuosco

100 CENTER DRIVE
RIVERHEAD, NY 11901-
3390



ACCREDITED LAW
ENFORCEMENT AGENCY
(631) 852-2200



VISIT US ONLINE AT
SUFFOLKSHERIFF.COM



**Commission of
Correction**

VARIANCE APPLICATION FORM

Non-Capacity Variance

County Jail and NYCDOC



**Commission of
Correction**

**New York State
Commission of Correction
80 S. Swan Street, 12th Floor
Albany, New York 12210
518-485-2346
correspondence@scoc.ny.gov**

County Jail/NYCDOC Non-Capacity Variance Application Form

**INSTRUCTIONS TO SHERIFF, COMMISSIONER OR CHIEF
ADMINISTRATIVE OFFICER:**

Pursuant to New York State Minimum Standards Part 7050, Variances, please complete all portions of this form and e-mail to the attention of Chairman/Commissioner, using the above e-mail address.

Facility: Suffolk County Correctional Facility-Riverhead

Person requesting: Warden Michael J. Franchi

(Sheriff/Commissioner/Chief Administrative Officer)

A. State the specific part, section and subdivision of New York State Minimum Standards for which the variance is requested: *Example: 7008.2b states that, The visiting area shall be designed so as to allow physical contact between prisoners and their visitors. To request a variance to have physical barriers between inmates and visitors the citation should be listed as:*

Ex. Part: 7008 Section: 2 Subdivision: b

Standard for which the variance is requested:

Part: 7008 Section: 2(b) and 3(c) Subdivision: _____

B. In the space provided below include specific plans fully explaining and supporting the alternative manner of compliance. If you are requesting a modification to an existing variance please include that information in the area below as well. The number of characters you can type in the below space is limited. If necessary, please attach any additional information with your submittal. The Suffolk County Sheriff's Office is requesting a continuation of a variance permitting the use of non-contact visits only and limitations on the number of visitors for the duration of the COVID-19 pandemic. Our greatest concern continues to be the safety and well-being of our employees and those individuals within our care, custody and supervision. Modification to the existing visiting room provides for social distancing and proper cleaning between visits.

- C. In the space provided below include a detailed description regarding why this variance is necessary. The number of characters you can type in the below space is limited. If necessary, please attach any additional information with your submittal.

Due to the ongoing COVID-19 pandemic, social distancing is required as we continue to utilize the visiting rooms at our correctional facilities. It is critical that we continue to follow safety protocols that have been put in place for everyone's safety to stop the spread of COVID-19.

- D. Provide the amount of time for which the variance is requested, if applicable:

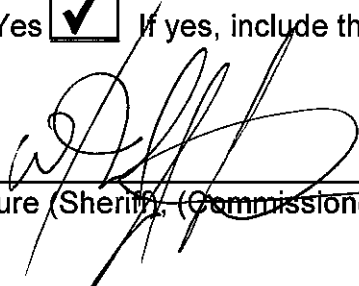
30 Days _____ Weeks _____ Months

- E. Should this variance application be approved, please detail below any plans, provisions and timetables for achieving full compliance with the Minimum Standard regulation that is the subject of this application. The number of characters you can type in the below space is limited. If necessary, please attach any additional information with your submittal.

While we cannot be in compliance with Part 7008.2(b) and Part 7008.3(c) until the Governor lifts the personal social distance requirements, this will allow us to permit personal visitation while still maintaining safety and sanitation protocols. The space available will permit a maximum of 420 30-minute visits per week. The current population is 423 in the Riverhead Facility. YTD the Riverhead Facility is operating at 51.35% capacity for visits.

F. Has this variance been previously approved by the Commission?

Yes If yes, include the variance number 20-V-07 No



Signature (Sheriff, (Commissioner), (Chief Administrative Officer) 26 APR 2022

Date

Additional copies of this form can be obtained by contacting the Commission, or by visiting www.scoc.ny.gov

Name of Facility: Suffolk County Jail (Yaphank)

Variance #20-V-08

New: Renewal: x

Relief from Standard: 7008.2(b) and 7008.3(c)

Application by: Warden M. Franchi

Date Request Rec: 4/27/2022

Last Approved: 3/29/2022 Length of Approval: 1 month Expiration: 5/1/2022

Write-up Prepared by: Susana Gonzalez CFS II

Recommendation by Field Staff: Recommending considering the possibility of approval until June 1, 2022.

Recommendation at Briefing:

Final Recommendation: Extension request denied, as the community transmission rate is low, according to the Centers for Disease Control.

SUMMARY OF VARIANCE REQUEST

The facility is requesting to continue limitation of physical contact during visitation and to limit inmates to one visitor per visit to continue to follow safety protocol that have been put in place for everyone's safety and to stop the spread of COVID-19. The facility also documents that there has been an uptick in COVID-19 reported cases, and that in their area cases have increased by 40% from two weeks ago. The facility further documents that their COVID-19 community level falls into a moderate risk category.

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Renewed until 4/1/21
Renewed until 07/1/21
Renewed until 10/1/21
Renewed until 1/1/22
Renewed until 4/1/22
Renewed until 5/1/22

CONSTRUCTION/RENOVATION PLANS

None at this time

OTHER VARIANCES IN EFFECT

20-v-07 applies the same conditions of this variance to the Department's Riverhead facility

STAFF INFORMATION AFTER SITE VISIT (DATE OF LAST VISIT TO FACILITY):

3/1/22

DATE OF LAST CYCLE VISIT THAT STANDARD VIOLATIONS WERE IDENTIFIED:

3/1/22 - MSE

ANY OPEN MINIMUM STANDARD VIOLATIONS:

7002.4 (Property Confiscation)
7003 (Security and Supervision)
7039.3 (Fire Prevention Codes)
7075.3 Policy
7075.4 (d & f) Reviews of determinations
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OTHER INFORMATION

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10. Visitation areas shall be disinfected in between sessions; and
11. Any submittal to extend this variance beyond July 1, 2022 shall include written verification from the local health department that it continues to find acceptable the facility's plans for non-contact visitation, including screening of visitors, use of facemasks, social distancing of at least six feet and disinfecting of visitation areas in between sessions.
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Non-Capacity Variance

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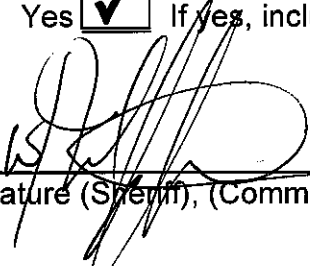
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F. Has this variance been previously approved by the Commission?

Yes If yes, include the variance number 20-V-08 No



Signature (Sheriff), (Commissioner), (Chief Administrative Officer) 26 APR 2022

Date

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