



Commission of Correction

ALLEN RILEY
Chairman

THOMAS J. LOUGHREN
Commissioner

YOLANDA CANTY
Commissioner

MEMORANDUM

TO: COMMISSION MEMBERS

FROM: Terry Moran, Director of Operations *TM*

RE: AGENDA FOR SUPPLEMENTAL COMMISSION MEETING

DATE: August 8, 2022 at **3:00 PM**

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. Variances

A. Fulton County Sheriff's Office
Fulton County Jail
22-V-05
Correspondence
7004.1 and 7004.3

B. Rensselaer County Sheriff's Office
Rensselaer County Jail
22-V-11
Correspondence
7004.1 and 7004.3

II. MFC

C. Industry Secure Center
Part 7442
Maximum Facility Capacity

III. Construction

D. Industry Secure Center
22-C-063

Name of Facility: Fulton County Jail

Variance # 22-V-05

New: **Renewal:** XX **Relief from Standard:** 7004.1 & 7004.3(a)

Application by: Captain Keith Ackerknect **Date Request Rec:** 8-5-22

Last Approved: 5/17/22 **Length of Approval:** **Expiration:** 7/1/22

Write-up Prepared by: Richard Cellini CFS I

Recommendation by Field Staff: Recommend approval until July 1, 2023.

Recommendation at Briefing:

Final Recommendation:

SUMMARY OF VARIANCE REQUEST

Captain Ackerknect [REDACTED]

[REDACTED]. The facility is seeking to photocopy non-privileged and privileged correspondence, provide such photocopy to the intended incarcerated individual, and retain the originals within the individual incarcerated individual's secure property or forward to a third party upon request. The facility has submitted policy consistent with the requirements of this variance approval.

RECOMMENDATION BY STAFF

It is recommended this variance be approved until July 1, 2023

RECOMMENDED CONDITIONS IF APPROVED

Pursuant to this action, the following conditions shall apply:

1. Non-privileged correspondence and accompanying envelope may be photocopied and provided to the recipient prisoner. The original non-privileged incoming correspondence and accompanying envelope shall be placed in the recipient prisoner's personal property.
2. Incoming general and legal privileged correspondence may only be opened and inspected for contraband in the presence of the recipient prisoner.
3. Incoming general and legal privileged correspondence and accompanying envelope may only be photocopied in the presence of the recipient prisoner. The original incoming general and legal privileged correspondence and accompanying envelope shall, in the presence of the recipient prisoner, be placed in a sealed envelope in a manner that does not allow the correspondence to be read, and thereafter secured in the recipient prisoner's personal property.
4. The scanning of incoming general and legal privileged correspondence is strictly prohibited.

5. Outside the presence of recipient prisoner, the facility may use a drug detecting device to scan incoming general and legal privileged correspondence for illicit drugs without opening the envelope. In instances where the envelope must be opened in order to perform such scan, the opening and scanning of the envelope must occur only while in the presence of the recipient prisoner.
6. Approval of this variance does not relieve the facility from its duty to comply with United States Postal Services' regulations and statutes.
7. Except for incoming non-general and legal privileged correspondence forwarded to the chief administrative officer, the facility shall make available correspondence for incarcerated individual view within one business day of delivery by the United States Postal Service.
8. The facility shall ensure that incarcerated individuals are provided, **at no cost**, the opportunity to:
 - a. be provided with their original correspondence and enclosed contents (i.e., photos, cards, etc.), that are non-criminal in nature, immediately upon release/transfer from the facility; and
 - b. be permitted to designate a person(s) who may obtain such original correspondence from the facility.
9. The facility shall provide incarcerated individuals the opportunity to have their original correspondence forwarded to a third party.
10. All relevant protocols concerning the photocopying of correspondence shall be included in the facility's incarcerated individual rulebook. If the rulebook is not yet scheduled for reprinting, such information shall be posted conspicuously in all housing areas until such reprinting has been completed and issued.
11. Any costs associated with the correspondence photocopying program shall be borne by the facility and not through the use of commissary profits.
12. The facility shall ensure that all correspondence-related reportable incidents are submitted to the Commission in accordance with Part 7022, Reportable Incidents.

CONSTRUCTION/RENOVATION PLANS

N/A

OTHER VARIANCES IN EFFECT

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

January 24-26, 2022 Field Staff

DATE OF LAST CYCLE VISIT THAT STANDARD VIOLATIONS WERE IDENTIFIED:

January 24-26, 2022 Field Staff

ANY OPEN MINIMUM STANDARD VIOLATIONS:

[REDACTED]

ANY VIOLATIONS WHICH PERTAIN TO THE VARIANCE'S CONDITIONS:

N/A

JUSTIFICATION FOR WHY VARIANCE SHOULD OR SHOULD NOT BE APPROVED/ EXTENDED:

This concern is consistent with a recent trend within NYS where local correctional facilities have identified a method of introducing illicit substances into correctional facilities by via correspondence [REDACTED]

REVIEWED BY REGIONAL SUPERVISOR: Larry Roe DATE: 8/5/2022

REVIEWED BY DIRECTOR: Deborah Slack-Bean DATE: 8/5/22

COMMENTS BY DIRECTOR:

OFFICIAL USE ONLY:

NOTES OF MEETING: _____



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: Fulton County

Person requesting: Captain Keith Ackerknecht

(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

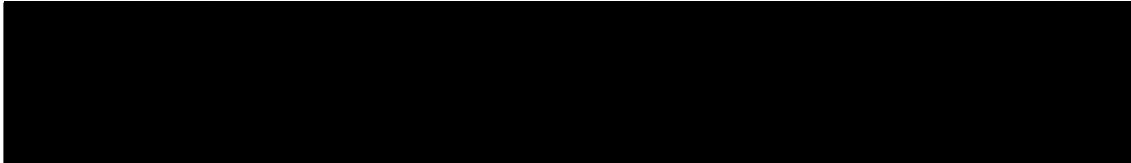
Standard for which the variance is requested:

Part: 7004 Section: 1&3 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.

Requesting to continue photocopying all incoming inmate correspondence to reduce the introduction of contranand substances to the facility.

- 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.



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

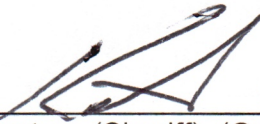
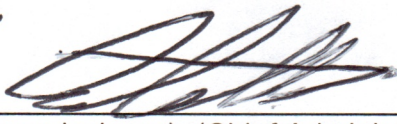
_____ Days _____ Weeks 12 Months

- 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.

Full compliance can be achieved at any time.

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

Yes If yes, include the variance number 22-V-05 No

  8/5/2022
Signature (Sheriff), (Commissioner), (Chief Administrative Officer) Date

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

Name of Facility: Rensselaer County Jail

Variance #

New: XX **Renewal:** **Relief from Standard:** 7004.1 & 7004.3(a)

Application by: Sheriff Patrick A. Russo **Date Request Rec:** 8-5-22

Last Approved: **Length of Approval:** **Expiration:**

Write-up Prepared by: Richard Cellini CFS I

Recommendation by Field Staff: Recommend approval until July 1, 2023.

Recommendation at Briefing:

Final Recommendation:

SUMMARY OF VARIANCE REQUEST

Sheriff Russo [REDACTED]

[REDACTED] The facility is seeking to photocopy non-privileged and privileged correspondence, provide such photocopy to the intended incarcerated individual, and retain the originals within the individual incarcerated individual's secure property or forward to a third party upon request. The facility has submitted policy consistent with the requirements of this variance approval.

RECOMMENDATION BY STAFF

It is recommended this variance be approved until July 1, 2023

RECOMMENDED CONDITIONS IF APPROVED

Pursuant to this action, the following conditions shall apply:

1. Non-privileged correspondence and accompanying envelope may be photocopied and provided to the recipient prisoner. The original non-privileged incoming correspondence and accompanying envelope shall be placed in the recipient prisoner's personal property.
2. Incoming general and legal privileged correspondence may only be opened and inspected for contraband in the presence of the recipient prisoner.
3. Incoming general and legal privileged correspondence and accompanying envelope may only be photocopied in the presence of the recipient prisoner. The original incoming general and legal privileged correspondence and accompanying envelope shall, in the presence of the recipient prisoner, be placed in a sealed envelope in a manner that does not allow the correspondence to be read, and thereafter secured in the recipient prisoner's personal property.
4. The scanning of incoming general and legal privileged correspondence is strictly prohibited.

5. Outside the presence of recipient prisoner, the facility may use a drug detecting device to scan incoming general and legal privileged correspondence for illicit drugs without opening the envelope. In instances where the envelope must be opened in order to perform such scan, the opening and scanning of the envelope must occur only while in the presence of the recipient prisoner.
6. Approval of this variance does not relieve the facility from its duty to comply with United States Postal Services' regulations and statutes.
7. Except for incoming non-general and legal privileged correspondence forwarded to the chief administrative officer, the facility shall make available correspondence for incarcerated individual view within one business day of delivery by the United States Postal Service.
8. The facility shall ensure that incarcerated individuals are provided, **at no cost**, the opportunity to:
 - a. be provided with their original correspondence and enclosed contents (i.e., photos, cards, etc.), that are non-criminal in nature, immediately upon release/transfer from the facility; and
 - b. be permitted to designate a person(s) who may obtain such original correspondence from the facility.
9. The facility shall provide incarcerated individuals the opportunity to have their original correspondence forwarded to a third party.
10. All relevant protocols concerning the photocopying of correspondence shall be included in the facility's incarcerated individual rulebook. If the rulebook is not yet scheduled for reprinting, such information shall be posted conspicuously in all housing areas until such reprinting has been completed and issued.
11. Any costs associated with the correspondence photocopying program shall be borne by the facility and not through the use of commissary profits.
12. The facility shall ensure that all correspondence-related reportable incidents are submitted to the Commission in accordance with Part 7022, Reportable Incidents.

CONSTRUCTION/RENOVATION PLANS

N/A

OTHER VARIANCES IN EFFECT

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

DATE OF LAST CYCLE VISIT THAT STANDARD VIOLATIONS WERE IDENTIFIED:

November 29-December 1, 2021

ANY OPEN MINIMUM STANDARD VIOLATIONS:

[REDACTED]
7005.8(d) Laundry and repair of clothing
7015.2(b) General facility sanitation

ANY VIOLATIONS WHICH PERTAIN TO THE VARIANCE'S CONDITIONS:

N/A

JUSTIFICATION FOR WHY VARIANCE SHOULD OR SHOULD NOT BE APPROVED/ EXTENDED:

This concern is consistent with a recent trend within NYS where local correctional facilities have identified a method of introducing illicit substances into correctional facilities by via correspondence [REDACTED].

REVIEWED BY REGIONAL SUPERVISOR: Larry Roe

DATE: 8/5/2022

REVIEWED BY DIRECTOR: Deborah Slack-Bean

DATE: 8/5/22

COMMENTS BY DIRECTOR:

OFFICIAL USE ONLY:

NOTES OF MEETING: _____

S RENSSELAER COUNTY **SHERIFF**

"Serving the Citizens of Rensselaer County Since 1791"



4000 MAIN STREET
TROY, NEW YORK 12180
OFFICE: (518) 266-1903
FAX: (518) 270-5447
www.RenscoSheriff.com

SHERIFF PATRICK A. RUSSO
UNDERSHERIFF P. J. HIGGITT, JR.

Allen Riley, Chairman
New York State Commission of Correction
Alfred E. Smith State Office Building
80 South Swan Street, 12th Floor
Albany, NY 12210-8001

August 4, 2022

RE: County Jail Variance Application for Photocopying Incoming Incarcerated Person
Correspondence

Dear Chairman Riley:

We respectfully request your review of our attached application including Policy and Notification as appropriate to begin the practice of Photocopying Incoming Incarcerated Person Correspondence as a means to aid in the prevention of contraband introduction into the Facility. As you are aware, recent reports and incidents indicate that the use of correspondence to deliver contraband has increased considerably as other avenues to import contraband have been limited by increased detection measures and personal contact restrictions as implemented due to Pandemic Response. If you or your Staff have any questions or require additional information Facility Command Staff may be contacted directly at (518) 266-1601 or (518) 266-1608.

As always, thank you for your continued support and assistance.
In matters of mutual concern, I remain,

A handwritten signature in black ink, appearing to read "Patrick A. Russo".

Patrick A. Russo – Sheriff

Cc: Undersheriff P. J. Higgitt Jr.
Chief David Hetman
File



**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: Rensselaer County

Person requesting: Sheriff Patrick Russo

(Sheriff/Commissioner/Chief Administrative Officer)

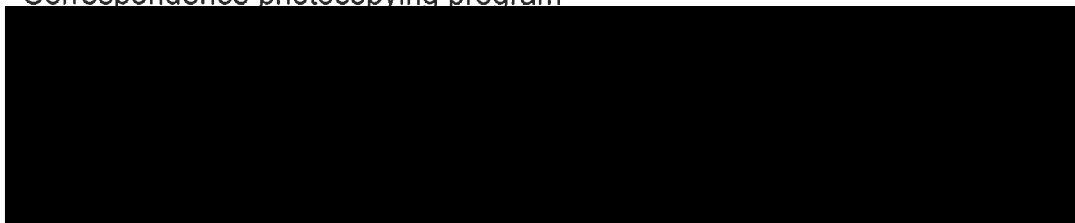
- A. State the specific part, section and subdivision of New York State Minimum Standards for which the variance is requested: *Example: 7008.2b states that, The visiting area shall be designed so as to allow physical contact between prisoners and their visitors. To request a variance to have physical 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: 7004 Section: 01&03 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. Correspondence photocopying program



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.
This variance is necessary to protect the health, safety and security of incarcerated individuals, security staff members and civilian staff members. Incoming Incarcerated Individual non privileged, general privileged and legal privileged mail has become a main avenue for (see attachment).

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

_____ 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.

T



**Commission of
Correction**

MAXIMUM FACILITY CAPACITY

For the

Industry Secure Center

Rush, New York

August 8, 2022

Allen Riley
Chairman

Thomas J. Loughren
Commissioner

Yolanda Canty
Commissioner

Industry Secure Center – MFC 2022

NOTE: ONLY LIVING UNITS AND SPECIAL MANAGEMENT UNITS WHICH MEET THE FOLLOWING REQUIREMENTS PURSUANT TO 9 NYCRR PART 7442 ARE TO BE INCLUDED IN THIS CAPACITY FORMULATION.

INDIVIDUAL OCCUPANCY ROOM:

1. Each such room shall have an individually controlled locking device secured from youth access and be equipped to accommodate one youth.
2. Each such room shall contain at least 60 square feet of floor space.
3. Each such room shall contain:
One (1) bed and mattress; mattresses shall be constructed of fire-retardant material.

LIVING UNIT:

1. Sufficient showers shall be available to permit each youth to shower daily.
2. At least one functioning toilet, sink and shower for every fifteen (15) youth confined within a living unit.
3. Each individual occupancy room constructed after the effective date of 9 NYCRR 7442 shall provide a minimum of 25 square feet of unencumbered living unit space per youth adjacent and accessible to such unit.

SPECIAL MANAGEMENT UNITS:

1. Each such unit used to house youth separate and apart from general population for purposes including but not limited to:
 - a. Medical treatment unit;
 - b. A modified services program unit;
 - c. Classification and orientation unit; or
 - d. Mental health unit.

EXCEPTIONS:

1. A unit may contain less than 60 square feet of floor space if such unit was originally constructed for single occupancy prior to the effective date of 9 NYCRR Part 7442.

Industry Secure Center – MFC 2022

LIVING UNITS

Name of Living Unit	Number of Individual Occupancy Rooms	Number of Toilets	Number of Sinks	Number of Showers	Size of Unit (Sq. Ft. of Floor Space)	Maximum Youth Capacity
Building-78 A Track	10	1	1	1	84 Sq. Ft.	10
Building-78 B Track	10	1	1	1	84 Sq. Ft.	10

Living Unit Total: 20

SPECIAL MANAGEMENT UNIT

Name of Living Unit	Number of Individual Occupancy Rooms	Number of Toilets	Number of Sinks	Number of Showers	Size of Unit (Sq. Ft. of Floor Space)	Maximum Youth Capacity
NA	NA	0	0	0	NA	0

Special Management Unit Total: 0

Industry Secure Center – MFC 2022

Unit Type	TOTALS
Subtotal Individual Occupancy Rooms Used as Living Unit	20
Subtotal Individual Occupancy Rooms Used for Special Management	0
MAXIMUM FACILITY CAPACITY:	20

Other identified areas not rated as part of Maximum Facility Capacity: Yes () No (X)

The above-noted capacity is based upon the following:

1. The number of properly equipped individual occupancy rooms, including the number of properly equipped special management units;
2. The total number of youth housed within the facility shall not exceed the maximum facility capacity; and
3. The facility's ability to provide required programs and services and to comply with other rules and regulations of 9 NYCRR Chapter III which are related to facility capacity.

JUSTIFICATION FOR CHANGE IN MFC

To the best of my knowledge all information contained in this formulation is correct:

Reviewed by: Keith Zobel



Deputy Director 8/5/22

Approved by: Terrence Moran



Director 8/5/22