




**Commission of  
Correction**

**ALLEN RILEY**  
Chairman

**THOMAS J. LOUGHREN**  
Commissioner

**YOLANDA CANTY**  
Commissioner

**MEMORANDUM**

**TO:** COMMISSION MEMBERS  
**FROM:** Keith Zobel, Deputy Director   
**RE:** AGENDA FOR COMMISSION MEETING  
**DATE:** November 15, 2022 at 11:00AM

**LOCATION:** Alfred E. Smith Building, 80 So. Swan Street, 12<sup>th</sup> Floor,  
Albany, New York. *\*Please be advised that proper identification is  
required at front desk.*

**I. MINUTES**

**SCOC**

October 18, 2022 Commission Meeting

November 2, 2022 Supplemental Commission Meeting

**CPCRC**

November 10, 2022

**II. VARIANCES**

**A. New York City Police Department**

**18-V-01**

Supervision of Female Prisoners

7004.1(e)

**III. CONSTRUCTION**

**B. NYS Office of Children and Family Services**

**Brookwood Secure Center**

**22-C-083**

Rehabilitate Basketball Courts

**C. New York City Administration for Children's Services**

**Crossroads Specialized Secure Detention Facility**

**22-C-083**

Mental Health Privacy Barrier

**D. Westchester County Department of Correction**  
**Westchester County Penitentiary**  
**22-C-080**  
Outdoor Exercise Weather Barrier



# Commission of Correction

ALLEN RILEY  
Chairman

THOMAS J. LOUGHREN  
Commissioner

YOLANDA CANTY  
Commissioner

## MINUTES Commission Meeting

### STATE COMMISSION OF CORRECTION

#### LOCATION:

Albany Location  
80 S. Swan Street, 12<sup>th</sup> Floor  
Albany, New York 12210

**DATE OF MEETING: October 18, 2022**

Chairman Riley called the meeting to order at 11:00 a.m.

#### **PRESENT:**

- Allen Riley, Chairman
- Thomas Loughren, Commissioner
- Yolanda Canty, Commissioner
- Tricia Amati, Assistant to Chairman/Commissioner
- Brian Callahan, Counsel
- Debbie Slack-Bean, Associate Attorney
- Terry Moran, Director of Operations
- Keith Zobel, Deputy Director of Operations
- Cynthia Allen, Correctional Specialist 3 (**WebEx**)
- Larry Roe, Correctional Specialist 3
- Ellen Tryon, Correctional Specialist 3
- Adam Tilbe, Correctional Facility Specialist 2
- Lloyd Robistow, Correctional Facility Specialist 2

#### **I. MINUTES**

##### **SCOC**

September 27, 2022 Commission Meeting	<b>Approved Unanimous Canty/Loughren</b>
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October 6, 2022 Supplemental Commission Meeting	<b>Approved Unanimous Canty/Loughren</b>
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##### **CPCRC**

October 13, 2022	<b>Approved Unanimous Canty/Loughren</b>
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**MRB**

Administrative Closures

**Approved Unanimous  
Loughren/Canty**

September 1, 2022

2021-M-0098

2021-M-0116

**Approved Unanimous  
Canty/Loughren**

**II. VARIANCES**

**A. Suffolk County Sheriff's Office  
Suffolk County Jail Riverhead  
20-V-07**

Visitation

7008.2(b) and 7008.3(c)

**Denied Unanimous  
Canty/Loughren**

**B. Suffolk County Sheriff's Office  
Suffolk County Jail Yaphank  
20-V-08**

Visitation

7008.2(b) and 7008.3(c)

**Denied Unanimous  
Canty/Loughren**

**C. New York City Department of Correction  
George R. Vierno Center  
22-V-15**

Confinement and Deprivation

7075.4(a)

**Denied Unanimous  
Canty/Loughren**

**III. MFC**

**D. Franklin County Sheriff's Office  
Franklin County Jail**

Maximum Facility Capacity

Part 7040

**Approved Unanimous  
Canty/Loughren**

**IV. CONSTRUCTION**

**E. Monroe County Children's Detention Center  
22-C-076**

Facility Expansion

**Approved Unanimous  
Tabled  
Canty/Loughren**

**F. New York City Department of Correction  
Queens Court Holding  
22-C-078**

Court Holding

**Approved Unanimous  
Canty/Loughren**

Commissioner Canty made a motion to go into executive session at 11:03 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 11:09 a.m., which was seconded by Commissioner Loughren.

The meeting resumed at 11:10 a.m. Motion was made by Commissioner Loughren to ratify actions taken in Executive Session regarding Construction and Medical Review Board items, seconded by Commissioner Canty. Commissioner Canty made a motion to adjourn at 11:10 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

#### LOCATION:

**Commission Meeting**

#### STATE COMMISSION OF CORRECTION

##### LOCATION:

Albany Location  
80 S. Swan Street, 12<sup>th</sup> Floor  
Albany, New York 12210

**DATE OF MEETING: October 18, 2022**

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Yolanda Canty, Commissioner  
Tricia Amati, Assistant to Chairman/Commissioner  
Brian Callahan, Counsel  
Debbie Slack-Bean, Associate Attorney  
Terry Moran, Director of Operations  
Keith Zobel, Deputy Director of Operations  
Cynthia Allen, Correctional Specialist 3 (**WebEx**)  
Larry Roe, Correctional Specialist 3  
Ellen Tryon, Correctional Specialist 3  
Adam Tilbe, Correctional Facility Specialist 2  
Lloyd Robistow, Correctional Facility Specialist 2

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Respectfully submitted,

Tricia Amati  
Assistant to Chairman/Commissioners



# Commission of Correction

ALLEN RILEY  
Chairman

THOMAS J. LOUGHREN  
Commissioner

YOLANDA CANTY  
Commissioner

## MINUTES Supplemental Commission Meeting

### STATE COMMISSION OF CORRECTION LOCATIONS:

Alfred E. Smith Building, 80 S. Swan Street, 12<sup>th</sup> Floor, Albany, NY 12210,  
Cedarhurst, NY and Norwich, NY.

### DATE OF MEETING: November 2, 2022

Chairman Riley called the meeting to order at 9:30 a.m.

#### **PRESENT:**

Allen Riley, Chairman  
Thomas Loughren, Commissioner (via WebEx)  
Yolanda Canty, Commissioner (via WebEx)  
Tricia Amati, Assistant to Chairman/Commissioner  
Brian Callahan, Counsel  
Terry Moran, Director of Operations  
Keith Zobel, Deputy Director of Operations  
Larry Roe, Correctional Specialist 3  
Ellen Tryon, Correctional Specialist 3 (via WebEx)  
Adam Tilbe, Correctional Facility Specialist 2  
Sean Murphy, Chief Engineering and Facilities Management Department of Environmental Services  
Michael Brown, AIA; Senior Associate; SWBR (via WebEx)  
Ken Ricci, FAIA; Executive Vice President; CGL (via WebEx)  
Michael Lynch, AIA; Senior Associate; CGL (via WebEx)  
Dominika Barszcz; Senior Designer; CGL (via WebEx)

#### **I. CONSTRUCTION**

**A. Monroe County Department of Human Services  
Monroe County Children’s Detention Center  
22-C-076  
Phase 2 Additions and Renovations**

**Approved Unanimous  
Canty/Loughren**



- |   |   |
|---|---|
| <p><b>B. New York City Administration for Children's Services</b><br/> <b>Crossroads Specialized Secure Detention Facility</b><br/> <b>22-C-081</b><br/> A Hall Renovations</p>           | <p><b>Approved Unanimous</b><br/> <b>Canty/Loughren</b></p> |
| <p><b>C. New York City Administration for Children's Services</b><br/> <b>Crossroads Specialized Secure Detention Facility</b><br/> <b>22-C-087</b><br/> Gymnasium Scoreboard Removal</p> | <p><b>Approved Unanimous</b><br/> <b>Canty/Loughren</b></p> |
| <p><b>D. New York City Administration for Children's Services</b><br/> <b>Crossroads Specialized Secure Detention Facility</b><br/> <b>22-C-088</b><br/> Gymnasium Door Replacement</p>   | <p><b>Approved Unanimous</b><br/> <b>Canty/Loughren</b></p> |
| <p><b>E. New York City Administration for Children's Services</b><br/> <b>Horizon Specialized Secure Detention Facility</b><br/> <b>22-C-086</b><br/> Lock and Key Replacement</p>        | <p><b>Approved Unanimous</b><br/> <b>Canty/Loughren</b></p> |

Commissioner Canty made a motion to go into executive session at 9:30 a.m. to discuss Construction items which was seconded by Commissioner Loughren. Commissioner Loughren made a motion to exit Executive Session and return to general session at 9:50 a.m., which was seconded by Commissioner Canty.

The meeting resumed at 9:51 a.m. Motion was made by Commissioner Loughren to ratify actions taken in Executive Session regarding Construction items, seconded by Commissioner Canty. Commissioner Canty made a motion to adjourn at 9:51 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

#### Supplemental Commission Meeting

#### STATE COMMISSION OF CORRECTION

##### LOCATIONS:

Alfred E. Smith Building, 80 S. Swan Street, 12<sup>th</sup> Floor, Albany, NY 12210,  
Cedarhurst, NY and Norwich, NY.

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Tricia Amati, Assistant to Chairman/Commissioner

Brian Callahan, Counsel

Terry Moran, Director of Operations

Keith Zobel, Deputy Director of Operations

Larry Roe, Correctional Specialist 3

Ellen Tryon, Correctional Specialist 3 (via WebEx)

Adam Tilbe, Correctional Facility Specialist 2

Sean Murphy, Chief Engineering and Facilities Management Department of  
Environmental Services

Michael Brown, AIA; Senior Associate; SWBR (via WebEx)

Ken Ricci, FAIA; Executive Vice President; CGL (via WebEx)

Michael Lynch, AIA; Senior Associate; CGL (via WebEx)

Dominika Barszcz; Senior Designer; CGL (via WebEx)

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Respectfully submitted,

Tricia Amati  
Assistant to Chairman/Commissioners

CITIZENS' POLICY AND COMPLAINT REVIEW COUNCIL

November 10, 2022

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

PRESENT:

Commissioner Canty

Council Members:

Albany:

Martin Stanton

Also Present:

Commissioner Loughren

Terry Moran

Keith Zobel

Cynthia Allen

Chris Ost

Vicky Connors

Commissioner Canty opened the meeting at 11:03 A.M.

Commissioner Canty asked for a motion to ratify all actions taken at the October 13, 2022 meeting. Martin Stanton made a motion to ratify all actions taken on October 13, 2022. Commissioner Canty seconded. Carried. Commissioner Canty asked for a motion to approve the minutes of the October 13, 2022 meeting. Martin Stanton made a motion to approve the minutes of the October 13, 2022 meeting. Commissioner Canty seconded. Carried.

Martin Stanton, Commissioner Canty, and Commissioner Loughren reviewed the Denied with Comment grievances for the month of November 2022. 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 November 2022. 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.

The Council reviewed the remaining grievances.

**ACCEPT IN PART**

168114 168116 Delaware CJ	Unanimous
167735 168138 Greene CJ	Unanimous
168152 Ontario CJ	Unanimous
167594 Schenectady CJ	Unanimous
167576 Steuben CJ	Unanimous

**ADMINISTRATIVE CLOSURES**

**DENY**

167554 Albany CJ	Unanimous
167764 167359 Cattaraugus CJ	Unanimous
167937 167835 167834 167793 167791 Cayuga CJ	Unanimous
167569 167381 167375 Chautauqua CJ	Unanimous
168231 168136 168046 168045 168044 167714 167595	

167562  
167425  
167424  
167401  
167400  
Chenango CJ Unanimous

167311  
Clinton CJ Unanimous

168141  
167794  
167662  
167494  
Cortland CJ Unanimous

168123  
168117  
168113  
168112  
168051  
168029  
168028  
168016  
167144  
Delaware CJ Unanimous

168015  
168014  
167380  
167163  
Dutchess CJ Unanimous

168209  
168207  
168050  
167771  
167770  
167675  
167663  
167527  
167526  
167394  
Erie CF Unanimous

167072  
Erie CJ Unanimous

168122	
168121	
167017	
166860	
Franklin CJ	Unanimous
168083	
167737	
167736	
167496	
167495	
167478	
167477	
167234	
Genesee CJ	Unanimous
167698	
Greene CJ	Unanimous
167395	
Herkimer CJ	Unanimous
168103	
167775	
Jefferson CJ	Unanimous
167956	
167670	
167403	
167402	
167367	
167350	
Lewis CJ	Unanimous
167741	
Livingston CJ	Unanimous
167774	
Madison CJ	Unanimous
167739	
167702	
167700	
167515	
167514	
167366	
167353	
167334	
167278	
167195	
167162	

167001  
166999  
Monroe CJ Unanimous

167704  
167156  
Montgomery CJ Unanimous

168048  
168017  
167531  
167530  
167159  
166862  
166861  
167076  
Nassau CJ Unanimous

167898  
167824  
167671  
167301  
Niagara CJ Unanimous

167573  
Oneida CJ Unanimous

168237  
167769  
167766  
167634  
Onondaga COR Unanimous

168214  
168150  
168149  
168135  
167975  
167955  
167954  
167779  
167776  
167696  
Ontario CJ Unanimous

168217  
167976  
167343  
167342  
167214  
Orange CJ Unanimous



167335 Oswego CJ	Unanimous
168109 168082 168081 168026 167571 Putnam CJ	Unanimous
167519 Rensselaer CJ	Unanimous
168057 167703 167383 167368 Rockland CJ	Unanimous
167978 167740 Schenectady CJ	Unanimous
167917 167916 167915 167901 167420 167419 167418 167417 167416 167415 St. Lawrence CJ	Unanimous
167895 167502 167501 167357 167356 167202 Steuben CJ	Unanimous
167137 Suffolk CJ	Unanimous
167974 166955 Sullivan CJ	Unanimous

168074  
Tioga CJ Unanimous

167614  
167340  
167339  
Tompkins CJ Unanimous

167782  
167781  
167780  
167474  
167310  
167308  
167054  
Ulster CJ Unanimous

168077  
168040  
167939  
167924  
167669  
167668  
167664  
167396  
167352  
167057  
166880  
Warren CJ Unanimous

167914  
Washington CJ Unanimous

168056  
168055  
168053  
Wayne CJ Unanimous

168238  
168059  
167977  
167943  
167942  
167941  
167676  
167673  
167672  
167557  
167556  
167555  
167365

167364  
167363  
167348  
166891  
166887  
167305  
Westchester CJ Unanimous

167434  
Wyoming CJ Unanimous

168154  
167904  
167903  
Yates CJ Unanimous

**DENIED WITH COMMENT**

167558  
Albany CJ Unanimous

167572  
167077  
Cattaraugus CJ Unanimous

167938  
167792  
167790  
167789  
167788  
167787  
Cayuga CJ Unanimous

167374  
Chautauqua CJ Unanimous

168235  
Chemung CJ Unanimous

167563  
Chenango CJ Unanimous

168142  
Cortland CJ Unanimous

168134  
168124  
168111  
Delaware CJ Unanimous

167497 167337 167313 Genesee CJ	Unanimous
167275 167274 Greene CJ	Unanimous
167355 Herkimer CJ	Unanimous
167994 Lewis CJ	Unanimous
168140 167738 167699 167194 Monroe CJ	Unanimous
168049 168047 Nassau CJ	Unanimous
168030 Niagara CJ	Unanimous
168151 167777 167697 Ontario CJ	Unanimous
167823 167822 166894 Orange CJ	Unanimous
168101 167934 167921 167423 167422 167421 Oswego CJ	Unanimous
167529 Putnam CJ	Unanimous
167294 Schenectady CJ	Unanimous

167480  
Schoharie CJ Unanimous

167920  
167919  
167918  
167414  
St. Lawrence CJ Unanimous

167896  
167894  
167874  
167358  
Steuben CJ Unanimous

167382  
Suffolk CJ Unanimous

167282  
167281  
166954  
Sullivan CJ Unanimous

167814  
167475  
167399  
167309  
Ulster CJ Unanimous

168039  
167925  
167667  
167666  
167665  
Warren CJ Unanimous

168054  
167936  
167935  
167922  
Wayne CJ Unanimous

167454  
166892  
Westchester CJ Unanimous

The next CPCRC meeting will be held on Thursday December 8, 2022 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 11:15 A.M.

Respectfully submitted,

Victoria Connors  
Administrative Assistant

Name of Facility: NYPD

Variance # 18-V-01

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**New:**     **Renewal: X**

**Relief from Standard:** 7504.1(e)

**Application by:** Deputy Chief Michael Cassidy

**Date Request Rec:** 9-21-22

**Last Approved:** 9-28-21     **Length of Approval:** 1 year

**Expiration:** 12-31-22

**Write-up Prepared by:** M. Ellwanger

**Recommendation by Field Staff:** Approve – 12 Months

**Recommendation at Briefing:** Approve until January 1, 2024

**Final Recommendation:**

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**SUMMARY OF VARIANCE REQUEST**

The NYC Police Department is requesting variance relief from the requirements of Minimum Standard 7504.1(e), supervision of female prisoners by a matron. The request explains that as the volume of female arrestees have increased, it does not have the resources available to dedicate same-sex supervision of prisoners. Asserts a female police officer will continue to be present within the respective command whenever there is a female prisoner in the detention area. Searches of female prisoners are conducted by a female police officer.

The department has also requested to modify the conditions of the variance. The Department requests modification of condition 4 to require thirty days of video retention in lieu of the current six month requirement. The request appears reasonable and I recommend approving the request, in part, by requiring the department to archive incidents which occur in the adult lockup areas, which department staff advised was the current practice.

**JUSTIFICATION FOR WHY VARIANCE SHOULD OR SHOULD NOT BE EXTENDED:**

Permitting the NYPD to allow male officers to supervise female prisoners could allow the department to place female prisoners in detention cells.

Additionally, a site visit was conducted in August 2022 to assess compliance with the conditions of this variance. The department was in compliance with the spirit of the Variance and the results of that assessment are as follows:

Condition 1- Commission staff identified no concerns with this condition.

Condition 2- Commission staff identified no concerns with this condition.

Condition 3- Commission staff identified no concerns with this condition.

Condition 4- Commission staff identified concerns with this condition.

The Department's video retention is 30 days. The department has the ability and frequently archives and retains video of any incident that occurs within the lockup area. The department's video retention and storage is primarily accomplished at the Lower Manhattan Security Initiative which incorporates a cooperative agreement between the NYPD, public agencies, and private stakeholders to actively monitor and record approx. 58,000 cameras, an approx. 19,000 of which are department. The relevant MOU's restrict the video retention to 30 days in most instances and the department does not enjoy the storage capacity to retain six months of video.

The Department has requested a modification to this condition- requesting to retain 30 days of video. If approved, it is recommended that the condition be further modified requiring the department to archive/preserve video of incidents occurring in the cell block area or of any allegations made consistent with Condition 6 of this variance.

Condition 5- Commission staff identified concerns with this condition.

[REDACTED]

Condition 6- Commission staff identified no concerns with this condition. There have been zero allegations made since initial approval of the variance.

**RECOMMENDED CONDITIONS**

1. The female officer or matron is present in the building and has the ability to respond in times when a search is needed, or a female prisoner is placed on constant supervision;
2. The NYPD shall ensure that any search of a female prisoner is conducted by a female officer or matron;
3. The NYPD shall ensure that anytime a female prisoner is placed on constant supervision, such supervision is conducted by a female officer or matron;
4. The NYPD shall maintain a system of video recording for 30 days of the detention area that cannot be disabled by staff any time a male officer is providing supervision to a female prisoner and the preservation of video recording of any incident which occurs in the lockup or allegations associated with Condition 6;
5. The NYPD shall ensure that an entry is made in the supervision records that states a male officer is supervising a female prisoner housed in a detention cell; and
6. The NYPD shall maintain a centralized record of allegations of improper or physical



contact between a female prisoner and male officer. Such record shall include any allegation, the investigative files, findings, and any related disposition.

**OTHER VARIANCES IN EFFECT** – None

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

August 2022 – M. Ellwanger

**DATE OF LAST CYCLE VISIT THAT STANDARD VIOLATIONS WERE IDENTIFIED:**

2022

**ANY OPEN MINIMUM STANDARD VIOLATIONS:**

THE DEPARTMENT ROUTINELY HAS OPEN MINIMUM STANDARD CONCERNS INVOLVING THE DOCUMENTATION OF SUPERVISORY VISITS. THE COMMISSION IS WORKING WITH THE DEPARTMENT TO RESOLVE THESE CONCERNS AND THEY ARE NOT EXCLUSIVE TO SUPERVISION OF FEMALE INCARCERATED INDIVIDUALS.

**STATUS OF MINIMUM STANDARD VIOLATIONS**

THE MINIMUM STANDARD ASSESSMENTS ARE CONDUCTED AT THE INDIVIDUAL COMMAND LEVEL- SOME PRECINCTS HAVE MINIMUM VIOLATION CONCERNS WHICH ARE STILL BEING RESOLVED, HOWEVER COMMISSION STAFF DO NOT HAVE ANY CONCERNS WITH THE APPROVAL OF THIS VARIANCE, DESPITE CONCERNS WITH THE SUPERVISION RECORDS.

**ANY VIOLATIONS WHICH PERTAIN TO THE VARIANCE'S CONDITIONS:**

N/A

**REVIEWED BY REGIONAL SUPERVISOR:** Ellen Tryon     **DATE:** 10/4/2022

**OFFICIAL USE ONLY:**

NOTES OF MEETING: \_\_\_\_\_



POLICE DEPARTMENT  
One Police Plaza, Room 204  
New York, New York 10038

CJB # 2022-311

DEPUTY CHIEF MICHAEL E. CASSIDY  
COMMANDING OFFICER, CRIMINAL JUSTICE BUREAU

September 21, 2022

Allen Riley  
Chairman, New York State Commission of Correction  
80 South Swan Street, 12<sup>th</sup> Floor  
Albany, New York 12210-2346

RE: Variance No 18-V-01 And Addendum to Variance Application

Dear Chairman Riley:

The New York City Police Department seeks to renew a variance previously approved by the State Commission of Correction (Variance Number 18-V-01), with respect to compliance with the provisions of 9 NYCRR Section 7504.1(e), which requires gender specific supervision in police lock-up facilities. Given the space limitations on the Variance Application Form and the instructions contained therein, this letter is submitted to provide additional supporting information related to Sections B, C, and E of the form as follows:

**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. (Include or attach any relevant supporting documentation).**

With respect to police lock-up facilities, 7504.1(e) states that supervision of female prisoners shall be accomplished by a matron, a female prisoner shall not be placed in or removed from a detention area unless the matron is present, the matron shall retain the key for the detention area for females and no male person shall be permitted to enter an area where female prisoners are detained unless accompanied by the matron.

This same gender specific standard is not mandated by New York State County Law Section 652(2) (hereinafter "County Law 652(2)") in a correction setting. With respect to a correction setting, County Law 652(2), requires a female correction officer to be in attendance *in a correctional facility* when females are confined in the correctional facility and be in attendance *in any housing unit* where females are confined, *when deemed necessary* to maintain the order and security of the facility.

As an alternative manner of compliance with gender specific supervision in police lock-ups, including precinct arrest processing cells, the NYPD seeks instead to be bound by the standards set forth in County Law 652(2). Application of this standard strikes the right

balance between appropriate supervision of female prisoners and the flexibility necessary to meet the operational challenges associated with equitably staffing post assignments with male and female members of service. The NYPD is able to comply with County Law 652(2) by requiring a female police officers' attendance *in the precinct* when females are confined in a precincts' detention area and, when deemed necessary by the desk officer (supervisor), a female officers' attendance *within* the detention area where females are confined.

It is our understanding that the SCOC permits application of County Law 652(2) to large correctional facilities with overnight lodging functions. The NYPD shares some of the same operational challenges associated with large correctional facilities, including physical plant limitations and staffing assignments. The NYPD submits that the SCOC should continue to permit application of the same standard to the NYPD's temporary detention areas

The NYPD will continue its policy of same-gender physical searches and require a female's presence within the structure of any facility where a female prisoner is being processed. Additionally, the NYPD will continue to maintain a centralized record of allegations of improper or physical contact between a female prisoner and male officer. Such record shall continue to include any allegation, the investigative files, findings, and any related disposition.

In addition to requesting that the previously approved variance be approved, the NYPD is also requesting a modification to one of the six variance conditions—specifically condition number 4, (see 9/29/21 letter from SCOC to Deputy Commissioner Ernest Hart regarding Variance No. 18-V-01), which provides that “[t]he NYPD shall maintain a system of video recording for six months of the detention area that cannot be disabled by staff any time a male officer is providing supervision to a female prisoner.” The NYPD seeks permission to modify condition number 4 to require 30 days' video retention rather than six months. The NYPD has in excess of approximately 4500 cameras in various areas of police precincts and central booking areas which potentially capture prisoners throughout the arrest process. The administrative burden and cost to retain video recordings of over approximately 4500 cameras for 6 months in the manner set forth by the SCOC is estimated to be quite costly and would potentially divert limited resources from other Department projects and priorities. Based on a preliminary assessment, the initial costs for hardware and labor to archive the video footage over a 6-year period of time is estimated at close to \$2,500,000. This estimate includes an initial one-time non-recurring cost as well as a recurring cost over 6 years.

**C. In the space provide below include a detailed description regarding why this variance is necessary. If necessary, please attach any additional information with your submittal.**

The NYPD lacks the operational resources to dedicate same-sex supervision of prisoners. The NYPD employs a gender-neutral approach to arresting offenders. Very often a male police officer is the only one that “personally observed” the circumstances surrounding a female defendant's arrest. The NYPD cannot dedicate a female police officer to be present for arrest processing in these situations. These challenges are enhanced by the fact that the NYPD has numerous precincts spread out over the entire City of New York, the various

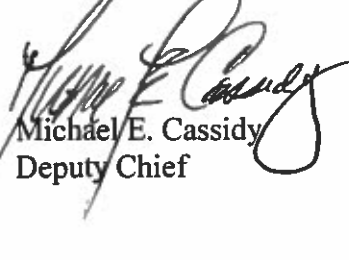
physical plant layouts of these precincts and the unpredictability of when and where a female prisoner may be arrested and processed, making it difficult to dedicate/plan for same-sex supervision.

**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 NYPD will continue its policy of same-gender physical searches and will require that a female is within the structure of any facility where a female prisoner is being processed. The NYPD shall maintain a system of video recording for 30 days in detention areas and shall require an entry in the supervision records that state a male officer is supervising a female prisoner. Note that the NYPD intends to engage in a process to modify forms and train MOS to document the gender of the male officer supervising a female prisoner.

We thank you for your consideration. Should you have any questions regarding this request, please do not hesitate to contact my office at (646) 610-5305.

Very truly yours,



Michael E. Cassidy  
Deputy Chief



**Commission of  
Correction**

# **VARIANCE APPLICATION FORM**

## **Lockup**



**Commission of  
Correction**

**New York State  
Commission of Correction 80 S.  
Swan Street, 12<sup>th</sup> Floor Albany, New  
York 12210  
518-485-2346  
[correspondence@scoc.ny.gov](mailto:correspondence@scoc.ny.gov)**

**Lockup Variance Application Form**

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

Pursuant to New York State Minimum Standards Part 7512, Variances, please complete all portions of this form and email to the attention of Chairman/Commissioner, using the above e-mail address.

**Lockup:** Various New York City Police Department Precinct Stationhouses and Central booking facilities

**Person requesting:** Michael E. Cassidy, Deputy Chief, Criminal Justice Bureau

A. State the specific Part, section and subdivision of New York State Minimum Standards for which the variance is requested: *Example: 7510.1 (b) states that, Visits to prisoners by a family member, relative or other person may be permitted at the discretion of, and in accordance with regulations established by, the officials in charge.* To request a variance the citation should be listed as:

Ex. Part: 7510 Section: 1 Subdivision: b

Standard for which the variance is requested:

Part: 7504 Section: 1 Subdivision: e

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. (Include or attach any relevant supporting documentation). **The number of characters you can type in the below space is limited. If necessary, please attach any additional information with your submittal.**

See attached.

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.**

See attached.

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

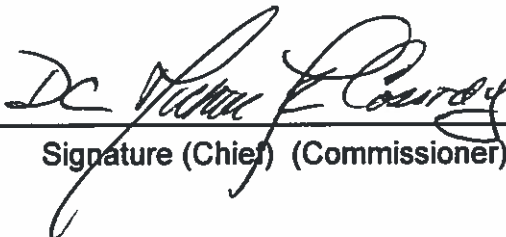
\_\_\_\_\_ Days      \_\_\_\_\_ Weeks      12 Months

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.**

See attached.

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

Yes  If yes, include the variance number 18-V-01 No

      9/21/2022  
Signature (Chief) (Commissioner) (Sheriff)      Date

**Additional copies of this form can be obtained by contacting the Commission, or by visiting [www.scoc.ny.gov](http://www.scoc.ny.gov)**