



STATE OF NEW YORK • EXECUTIVE DEPARTMENT
STATE COMMISSION OF CORRECTION
Alfred E. Smith State Office Building
80 S. Swan Street, 12th Floor
Albany, New York 12210
(518) 485-2346
FAX (518) 485-2467

CHAIRMAN
Thomas A. Beilein

COMMISSIONER
Phyllis Harrison-Ross, M.D.

MEMORANDUM

TO: COMMISSION MEMBERS
FROM: Michael Donegan, Counsel 
RE: AGENDA FOR COMMISSION MEETING
DATE: November 20, 2012 at 11:00am

I. MINUTES

SCOC

October 16, 2012

CPCRC

November 8, 2012

MRB

Administrative Closures

II. VARIANCES

A. Herkimer County Jail

06-V-05

(Section 7028 Exercise)

B. Putnam County Jail

03-V-01

(Section 7040.3 Facility Population Limitation)

C. Putnam County Jail

11-V-05

(Section 7040.3 Facility Population Limitation)

D. Putnam County Jail

08-V-08

(Section 7040.3 Facility Population Limitation)



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MINUTES

STATE COMMISSION OF CORRECTION

**Alfred E. Smith State Office Building
80 So. Swan Street, 12th Floor
Albany, New York 12210-8001**

DATE OF MEETING: October 16, 2012

Chairman Beilein called the meeting to order at 11:00am.

PRESENT:

Thomas A. Beilein, Chairman
Phyllis Harrison-Ross M.D., Commissioner
Michael Donegan, Counsel
James Lawrence, Deputy of Operations
Rich Kinney, CFS III
Terry Moran, Capital West, Supervisor
Peggy Loffredo, Forensic Medical Unit
Janine Kava, Deputy Director of Public Information
New York State Division of Criminal Justice Services
Bob Cuttita, Correctional Specialist II
Tricia Amati, Assistant to Chairman/Commissioner
Brian Callahan, Staff Counsel

I. MINUTES

SCOC September 18, 2012	Approved Ross/Beilein	Unanimous
“Special” Commission Meeting September 26, 2012	Approved Ross/Beilein	Unanimous
CPCRC October 11, 2012	Approved Ross/Beilein	Unanimous
MRB Administrative Closures	Approved Ross/Beilein	Unanimous

II. VARIANCES

- | | |
|---|--|
| A. Monroe County Jail
<i>Amendment to 07-V-01</i>
(Section 7040.3 Facility
Population Limitation) | Withdrawn |
| B. Suffolk County Jail - Yaphank
95-V-09
(Section 7040.3 Facility
Population Limitation) | Approved Unanimous
Four (4) Months
Ross/Beilein |
| C. Suffolk County Jail – Yaphank
99-V-11
(Section 7040.3 Facility
Population Limitation) | Approved Unanimous
Four (4) Months
Ross/Beilein |
| D. Suffolk County Jail – Yaphank
05-V-02
(Section 7040.3 Facility
Population Limitation) | Approved Unanimous
Four (4) Months
Ross/Beilein |
| E. Suffolk County Jail-Riverhead
98-V-16
(Section 7040.3 Facility
Population Limitation) | Approved Unanimous
Four (4) Months
Ross/Beilein |
| F. Suffolk County Jail – Riverhead
95-V-08
(Section 7040.3 Facility
Population Limitation) | Approved Unanimous
Four (4) Months
Ross/Beilein |
| G. Suffolk County Jail – Riverhead
00-V-07
(Section 7040.3 Facility
Population Limitation) | Approved Unanimous
Four (4) Months
Ross/Beilein |

III. MFC

- | | |
|---|--|
| H. Montgomery County Jail
Part 7040.3 | Approved Unanimous
Ross/Beilein |
| I. Monroe County Jail
Part 7040.3 | Approved Unanimous
Ross/Beilein |

Commissioner Ross made a motion to go into executive session at 11:15am to discuss Construction and MRB items, which was seconded by Chairman Beilein.

Commissioner Ross made a motion to exit Executive Session and return to general session at 11:33am, which was seconded by Chairman Beilein.

The meeting resumed at 11:33am. Motion was made by Commissioner Ross to ratify actions taken in Executive Session regarding MRB and Construction items, seconded by Chairman Beilein and approved.

Commissioner Ross made a motion to adjourn at 11:34am, which was seconded by Chairman Beilein.

Respectfully submitted,

Tricia Amati
Assistant to Chairman/Commissioner



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CHAIRMAN
Thomas A. Beilein

COMMISSIONER
Phyllis Harrison-Ross, M.D.

EXECUTIVE SESSION

STATE COMMISSION OF CORRECTION
Alfred E. Smith State Office Building
80 So. Swan Street, 12th Floor
Albany, New York 12210-8001

DATE OF MEETING: October 16, 2012

PRESENT:

Thomas A. Beilein, Chairman
Phyllis Harrison-Ross M.D., Commissioner
Michael Donegan, Counsel
James Lawrence, Deputy of Operations
Rich Kinney, CFS III
Terry Moran, Capital West, Supervisor
Peggy Loffredo, Forensic Medical Unit
Janine Kava, Deputy Director of Public Information
New York State Division of Criminal Justice Services
Bob Cuttita, Correctional Specialist II
Tricia Amati, Assistant to Chairman/Commissioner
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Tricia Amati
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CHAIRMAN
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COMMISSIONER
Phyllis Harrison-Ross, M.D.

CITIZENS' POLICY AND COMPLAINT REVIEW COUNCIL

November 8, 2012

NYS Commission of Correction
at
Alfred E. Smith Office Building
80 South Swan Street, 12th Floor
Albany, NY
And
The Division of Criminal Justice Services
at
65 Court Street
Buffalo, NY

PRESENT:

Chairman Thomas A. Beilein

Council Members:

Albany:

Doug Landon

Tom Cross

Buffalo:

Julie Scalione

Also Present:

Rich Kinney - Albany

Brian Callahan - Albany

Janet Judge – Albany

Sara Egan – Albany

Chairman Beilein opened the meeting at 11:03 a.m.

Doug Landon and Tom Cross, as the grievance sub-committee, reviewed the Expedited cases for the month of November 2012. Motions to deny all of the expedited cases were made. The motions were respectively seconded by Tom Cross and Doug Landon, and unanimously passed.

Julie Scalione reviewed the Expedited With Comment cases for the month of November 2012 and made a motion to deny all of the cases. Doug Landon seconded. Carried.

The Council reviewed the remaining grievances.

ACCEPT WITH MODIFICATION

12-LG-29054
12-LG-29055
Chautauqua CJ Unanimous

ACCEPT

12-LG-29053
Chautauqua CJ Unanimous

DENY WITH COMMENT

12-LG-29056
Chautauqua CJ Unanimous

ADMINISTRATIVE CLOSURES

DENY

12-LG-26788
12-LG-27322
12-LG-27324
Allegany Unanimous

12-LG-28968
12-LG-28969
Broome CJ Unanimous

12-LG-28768
12-LG-29686
Cattaraugus CJ

Unanimous

12-LG-28187
12-LG-29167
12-LG-29197
12-LG-29241
12-LG-29243
Cayuga CJ

Unanimous

12-LG-29365
Chautauqua CJ

Unanimous

12-LG-28108
12-LG-28147
12-LG-28448
12-LG-28462
12-LG-28463
12-LG-28464
12-LG-28751
12-LG-28769
12-LG-28949
12-LG-28950
12-LG-29266
Chenango CJ

Unanimous

12-LG-28973
Delaware CJ

Unanimous

12-LG-28966
Dutchess CJ

Unanimous

12-LG-28762
12-LG-28761
Erie CF

Unanimous

12-LG-29057
12-LG-29629
Erie HC

Unanimous

12-LG-29025
12-LG-29165
12-LG-29166
12-LG-29196
12-LG-29367
12-LG-29469
Essex CJ Unanimous

12-LG-28971
Franklin CJ Unanimous

12-LG-29630
Fulton CJ Unanimous

12-LG-29472
12-LG-29473
12-LG-29474
Lewis CJ Unanimous

12-LG-29475
12-LG-29623
12-LG-29643
Nassau CJ Unanimous

12-LG-29002
Niagara CJ Unanimous

12-LG-28942
12-LG-28961
12-LG-28972
12-LG-29059
Onondaga DOC Unanimous

12-LG-29121
Ontario CJ Unanimous

12-LG-28750
12-LG-29007
Oswego CJ Unanimous

12-LG-28104	
12-LG-28351	
12-LG-28362	
12-LG-28363	
12-LG-28364	
Putnam CJ	Unanimous
12-LG-28947	
12-LG-28970	
12-LG-29647	
Rensselaer CJ	Unanimous
12-LG-27646	
Seneca CJ	Unanimous
12-LG-28941	
Steuben CJ	Unanimous
12-LG-28952	
Sullivan CJ	Unanimous
12-LG-28962	
Tompkins CJ	Unanimous
12-LG-28963	
12-LG-28964	
12-LG-29004	
12-LG-29023	
12-LG-29060	
Warren CJ	Unanimous
12-LG-28748	
12-LG-28945	
12-LG-29720	
Washington CJ	Unanimous
12-LG-27884	
Wayne CJ	Unanimous
12-LG-28763	
12-LG-28766	
12-LG-28767	
12-LG-29021	
Westchester CJ	Unanimous

DENY WITH COMMENT ADMINISTRATIVE CLOSURES

12-LG-28965 12-LG-29001 12-LG-29364 12-LG-29383 Chautauqua CJ	Unanimous
12-LG-29006 Delaware CJ	Unanimous
12-LG-25683 Dutchess CJ	Unanimous
12-LG-29003 Erie CF	Unanimous
12-LG-28967 12-LG-29471 Lewis CJ	Unanimous
12-LG-27701 Putnam CJ	Unanimous
12-LG-26999 Sullivan CJ	Unanimous
12-LG-28764 12-LG-29022 Westchester CJ	Unanimous

Jimmie Seright and Burt Schoenbach will form the sub-committee for the next CPCRC meeting. Doug Landon will review the Expedited with Comment grievances for the next CPCRC meeting.

The next CPCRC meeting will be held on Thursday, December 13, 2012 at 11:00 a.m. at SCOC, AESOB 80 S. Swan Street, Albany, New York at the NYS Division of Criminal Justice Services, 65 Court Street, Buffalo, New York and at the NYS Division of Criminal Justice Services, 633 Third Avenue, New York, NY.

Chairman Beilein requested a motion to adjourn the meeting which was made by Tom Cross, seconded by Doug Landon and carried. The meeting adjourned at 11:32 p.m.

Respectfully submitted,

Sara Egan
Secretary 1

Name of Facility: **Herkimer County Jail**

Variance # **06-V-05**

New: Renewal:

Relief from Standard: **7028.4**

Application by: **Sheriff Christopher Farber**

Date Request Rec: **9-27-12**

Last Approved: **08-14-12** Length of Approval: **90 Days** Expiration: **12-01-12**

Write-up Prepared by: **Cynthia Diaz**

Recommendation by Field Staff: **Approve for 90 days**

Recommendation at Briefing:

Final Recommendation:

SUMMARY OF VARIANCE REQUEST

The facility is requesting a continued extension of variance 06-V-05 which authorizes the county to use a temporary exercise yard for the purpose of providing prisoners outdoor exercise.

RECOMMENDED CONDITIONS

VARIANCE HISTORY

2012	Recommendation Action Taken Length of Variance Conditions, if changed	Approval Approved at Meeting 8/14/12 90 Days
2012	Recommendation Action Taken Length of Variance Conditions, if changed	Approval Approved at 05/15/12 Meeting 90 Days
2012	Recommendation Action Taken Length of Variance Conditions, if changed	Approval Approved at 01/17/12 Meeting 120 Days
2011	Recommendation Action Taken Length of Variance Conditions, if changed	Approval Approved at 10/18/11 Meeting 90 Days
2011	Recommendation Action Taken Length of Variance Conditions, if changed	Approval Approved at 04/19/11 Meeting 90 Days
2011	Recommendation Action Taken Length of Variance Conditions, if changed	Approval Approved at 2/15/11 Meeting 90 Days
2010	Recommendation Action Taken Length of Variance Conditions, if changed	Approval Approved at 10/10 Meeting 30 Days
2010	Recommendation Action Taken	Approval Approved at 7/10 Meeting

	Length of Variance Conditions, if changed	90 Days
2010	Recommendation Action Taken Length of Variance Conditions, if changed	Approval Approved at 4/10 Meeting 60 Days
2010	Recommendation Action Taken Length of Variance Conditions, if changed	Approval Approved at 2/10 Meeting 90 Days
2009	Recommendation Action Taken Length of Variance Conditions, if changed	Approval Approved at 11/09 Meeting 90 Days
2009	Recommendation Action Taken Length of Variance Conditions, if changed	Approval Approved at 8/09 Meeting 90 Days

CONSTRUCTION/RENOVATION PLANS

10/19/12:

Cynthia Diaz and Deborah Clark met with Lieutenant Adams to assess compliance with the conditions of 06-V-05. In a letter (to Sheriff Farber) dated September 20, 2012, Herkimer County Administrator James Wallace reports that the county recently won a court case against the Village of Herkimer concerning zoning issues at the P&C site (proposed construction site). However, the Village of Herkimer has filed a notice of appeal. Also, the vendor selected for the pre-cast cells has again extended the contract.

08/03/12:

Larry Roe met with Captain McGrail and Lieutenant Adams to discuss the status of the New Jail project and the Courts determination regarding the County's lawsuit against the Village of Herkimer. Captain McGrail and Lieutenant Adams had no new information to offer other than the County thought they would have received a decision from the judge by May or June of 2012. Captain McGrail and Lieutenant Adams also advised that they are unaware of when the judge will make a decision, and that they believe that the Judge was under no time restriction to render a determination. Captain McGrail and Lieutenant Adams further advised that the two issues (zoning change that would preclude Herkimer County from building a jail & the authorization for sewer connection) are still in the courts awaiting a decision from the judge. As for the construction project, the cell bids were received and extended due to no decision from the Judge regarding the aforementioned court matters.

04/25/12:

Terry Moran and Bill Benjamin met with Sheriff Farber and several Herkimer County Officials to discuss the status of the project. The following information was provided to Commission staff:

- To date, the Village of Herkimer has rejected several offers to settle the issues of sewer and water, as well as the recently enacted zoning law.
- The county awaits a decision concerning their lawsuit against the Village of Herkimer.
- Bids for the pre-cast cell construction have been returned. No action can be taken until the court decision is rendered.

03/27/12:

Sheriff Farber submitted to Chairman Beilein a letter of request to extend Variance 06-V-05 for 180 days and advised that the County continues to move forward with the construction of a new correctional facility. Sheriff Farber also submitted within the letter of request for the aforementioned variance extension, a copy of a letter that was written to him (Sheriff Farber) from Herkimer County Administrator James Wallace. Administrator Wallace's letter, dated March 27, 2012, advised that the County continues to move forward with the construction of a new Herkimer County Correctional Facility at the Route 28 site in Herkimer. It also advised that the County is currently in court with the Village of Herkimer over two issues; a zoning change that would prohibit Herkimer County from building a jail; and the authorization for a sewer connection that the County was denied by the Village of Herkimer. Administrator Wallace concluded by writing that the County has their Correctional Facility cell package out for bid.

12/07/11:

Sheriff Farber submitted to Chairman Beilein a letter of request to extend Variance 06-V-05 for 180 days and advised that the County continues to move forward with the construction of a new correctional facility. Sheriff Farber also submitted within the letter of request for the aforementioned variance extension, a copy of a letter that was written to him (Sheriff Farber) from Herkimer County Administrator James Wallace. Administrator Wallace's letter, dated December 7, 2011, advised that the County continues to move forward with the construction of a new Herkimer County Correctional Facility at the Route 28 site in Herkimer. It also advised that the County Legislature at its last meeting was given a presentation by Mark kakuvka of LaBella Associates which allowed the members and the residents to review the design of the facility and the schedule. It further advised that the County is in the design development phase and is continuing with their cell package.

08/30/11:

Sheriff Farber submitted to Chairman Beilein a letter of request to extend Variance 06-V-05 for 180 days. On September 28, 2011, Sheriff Farber and Captain McGrail meet with Chairman Beilein and SCOC supervisory staff to discuss the County's progress toward the construction of a new jail.

05/25/11:

Sheriff Farber submitted to Chairman Beilein a copy of a letter County Administrator James Wallace sent to him (Sheriff Farber). County Administrator Wallace informed Sheriff Farber that the county continues to move forward on the P&C site and that Labella's team was at the site on the date of the letter (May 25, 2011) finishing up the onsite work for the percolation test. County Administrator Wallace also advised Sheriff Farber in the aforementioned letter that at the last meeting of the County Legislature, the County hired an environmental attorney to assist with the site. Also, there has been recent correspondence between the Chairman of the Legislature and the Mayor of the Village of Herkimer regarding allowing the County to use their (Village's) sewer system; however, the County continues to move forward with Labella Associates on the P&C site.

4/7/11:

Commission staff members Terrence Moran and Larry Roe met with Sheriff Farber, County Administrator James Wallace, and Public Safety Chair Leonard Hendrix. Commission staff were informed of the following concerning the jail project:

1. The county has not yet applied to the DEC for permits to construct a septic system on the jail site. Forty-seven (47) test pits will be dug in the coming weeks. The results will then be forwarded to the DEC.
2. The county will be meeting with LaBella Associates, the architectural/engineering firm hired by Herkimer County for this project.
3. The size of the facility will be 132 beds, with double ceiling capability to 154 beds.

3/29/11:

Sheriff Farber submitted to Chairman Beilein a copy of a letter County Administrator James Wallace to him (Farber). Wallace informed Farber that the county has approved resolutions on the hiring of LaBella Associates as their architect/engineer, and that there is movement on the purchasing of the proposed construction site property (P & C site).

1/18/11:

Sheriff Farber forwarded Chairman Beilein the results of the SEQRA tests, which indicated that the jail project would not have a significant environmental impact.

12/14/10:

In a letter to Chairman Beilein, Herkimer County Administrator James Wallace reported that percolation tests as part of an assessment of a septic system for the new facility have been completed and are awaiting the test results. Also, the county awaits a report from consultant Rod Miller concerning the recommended size of the new facility. Further, once the SEQRA process is completed, and a decision on facility size is made, he anticipates holding a vote for bonding on the new facility and continued movement towards purchasing the site property.

10/28/10: In a letter to Chairman Beilein, Herkimer County Legislative Chair Raymond Smith reported that the legislature recently approved a measure for percolation tests as part of an assessment of a septic system for the new facility.

9/08/10: Village of Herkimer's counter offer to the County includes:

- Requiring the county to pay for all costs incurred for hooking the correctional facility into the village's wastewater treatment plant, including permits, the necessary piping, road repairs, etc.;
- The county paying an annual \$58,000 host community benefit to the village for the life of the correctional facility, with an uncapped escalator clause tied to the village's tax rate; and
- The county contributing \$800,000 to the village's wastewater treatment plant upgrade project.

8/4/10: The Village of Herkimer Board voted 5-0 to reject the legislature's offer of a one-time \$400,000 payment for the wastewater treatment plant upgrades and a \$20,000 per year for 20 years annual payment to offset the loss of the parcel (P & C Site) from the tax rolls.

7/7/10: The county Legislature voted 10-7 to offer the Village of Herkimer \$800,000 in order to connect a proposed county jail facility into the municipal sewer system. The proposal included a \$400,000 payment toward the village wastewater treatment plant upgrade and \$20,000 per year for 20 years.

OTHER VARIANCES IN EFFECT – None

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

Facility compliance with conditions of variance 06-V-05 was last reviewed on October 19, 2012. Compliance with these conditions was noted. No complaints or grievances have been filed regarding the use of the temporary outdoor exercise area.

DATE OF LAST CYCLE VISIT THAT STANDARD VIOLATIONS WERE IDENTIFIED:

February 3, 2012

ANY OPEN MINIMUM STANDARD VIOLATIONS:

- 7003 - lack of certain documentation and key control issues
- 7006 - lack of certain documentation and need for policy and procedure enhancement
- 7008 - need for policy and procedure enhancement
- 7028 - policy and procedure revisions necessary

ANY VIOLATIONS WHICH PERTAIN TO THE VARIANCE'S CONDITIONS:

None

JUSTIFICATION FOR WHY VARIANCE SHOULD OR SHOULD NOT BE EXTENDED:

The Commission previously approved the cell package submitted by the county and the County hopes to receive some indication from the judge presiding on the abovementioned court issues soon.

REVIEWED BY REGIONAL SUPERVISOR:



DATE:

11/7/12

OFFICIAL USE ONLY:

NOTES OF MEETING: _____

Name of Facility: Putnam County Jail

Variance # 03-V-01

New: Renewal:

Relief from Standard: 7040

Application by: Sheriff Donald Smith

Date Request Rec: 10/18/2012

Last Approved: 11/2012

Length of Approval: 1 Year

Expiration: 12/01/2012

Write-up Prepared by: Elisha Hamilton

Recommendation by Field Staff: Approve

Recommendation at Briefing:

Final Recommendation:

SUMMARY OF VARIANCE REQUEST

Sheriff Smith is requesting an extension of this variance which authorizes the county to house an additional four (4) female inmates in the day space of the South Housing Unit. This is a continuation from a previous variance.

VARIANCE HISTORY

2011 Recommendation: Approval
 Action Taken: Approved at 11/11 meeting
 Length of variance: 1 year
 Conditions, if changed:

2010 Recommendation: Approval
 Action Taken: Approved at 11/10 meeting
 Length of variance: 1 year
 Conditions, if changed:

2009 Recommendation: Approval
 Action Taken: Approved at 11/09 meeting
 Length of variance: 1 year
 Conditions, if changed:

2008 Recommendation: Approval
 Action Taken: Approved at 11/08 meeting
 Length of Variance: 1 year
 Conditions, if changed:

2007 Recommendation: None
 Action Taken:
 Length of Variance:
 Conditions, if changed:

2006 Recommendation: Approval
 Action Taken: Approved at 7/06 Meeting
 Length of Variance: 1 year
 Conditions, if changed:

SCOC VARIANCE WRITE-UP FORM: EFFECTIVE JANUARY 2010

2005 Recommendation Approval
Action Taken Approved at 7/05 Meeting
Length of Variance 1 year
Conditions, if changed

2004 - Recommendation Approval
Action Taken Approved at 07/13/04 Meeting
Length of Variance 1 year
Conditions, if changed from first variance: SAME

2003 - Recommendation Approval
Action Taken Approved at 07/15/03
Length of Variance 1-year
Conditions, if changed from first variance: SAME

2003 - Recommendation Approval
Action Taken Approved at 01/14/03
Length of Variance 6 months

CONSTRUCTION/RENOVATION PLANS

None at this time but the county has had some dialogue with an architect about developing and revising plans to address female housing units.

OTHER VARIANCES IN EFFECT

08-V-08

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

8/30/2012

DATE OF LAST CYCLE VISIT THAT STANDARD VIOLATIONS WERE IDENTIFIED:

8/30/2012

ANY OPEN MINIMUM STANDARD VIOLATIONS:

Administrative segregation pending a disciplinary hearing is not done on a case by case basis. Inmates are not consistently separated by their classification designation.

ANY VIOLATIONS WHICH PERTAIN TO THE VARIANCE'S CONDITIONS:

None

JUSTIFICATION FOR WHY VARIANCE SHOULD OR SHOULD NOT BE EXTENDED:

This allows the facility to have overflow housing if they experience a spike in their local population.

RECOMMENDED CONDITIONS IF APPROVED

1. The county would be authorized to house an additional four (4) female inmates in the dayspace

of the South Housing Unit.

Housing Area	MFC	Increase	Total
South Housing Unit	4	4	8

2. The facility would be allowed to house four (4) inmates in the day space of the South Housing Unit.

3. Inmates housed in the above-noted areas must be provided with a bunk to be used as a bed.

4. "Active supervision" must be provided on a 24-hour basis, pursuant to 9NYCRR Section 7003.2(c) when inmates are housed in any of the above noted areas.

5. Inmates housed in these areas receive the same services and programs as the general population.

REVIEWED BY REGIONAL SUPERVISOR:  DATE: 10-23-12

OFFICIAL USE ONLY:

NOTES OF MEETING: _____



New York State
Commission of Correction
80 Wolf Road
Albany, New York 12205
518-485-2465
518-485-2467 (Fax)

New: _____

Renewal: _____

Var. #: _____

(SCOC USE ONLY)

Thomas Beilein
Chairman

Variance Application Form SOUTH

INSTRUCTIONS TO SHERIFF OR CHIEF ADMINISTRATIVE OFFICER:

Pursuant to New York State Minimum Standards Part 7050, Variances, please complete all portions of this form and mail or fax this form Attn: Chairman/Commissioner to the address or fax number listed above.

Facility: Putnam County Correction Facility

Person requesting: Donald B. Smith
(Sheriff)

(A) State the specific part, section and subdivision of New York State Minimum Standards for which the variance is requested: Example: 7040.3 states that, the total number of inmates confined within each correctional facility shall not exceed the maximum facility capacity of such facility. To request a variance to house additional inmates within the facility the citation should be listed as:

Ex. Part: 7040 Section: 3 Subdivision: n/a

Standard for which the variance is requested:

Part: 7040 Section: 3 Subdivision: n/a

(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 alternative for the housing of female inmates within the correctional facility is the opening of a second housing unit which requires overtime. This option is not feasible, for long term housing, due to the cost of manning the housing unit on an overtime basis. Additionally, this would add more housing unit assignments and burden the staff with forced overtime. This second housing unit would, at times, be opened for only one or two female inmates at an overtime cost, as a temporary solution.

(C) In the space provided below include a detailed description regarding why this variance is necessary. (Include or attach any relevant supporting documentation)

The female inmate average daily population (ADP) has averaged 17 for the past two years. However, during the past years the ADP has fluctuated between 12 and 25. This is an increase that has a severe impact on the operations of the unit, as the female housing unit has only eight (8) cells. Furthermore, when there is a minor female inmate in the unit the available cells for adults is further reduced. Once the adult population reaches 6 the female housing unit is near the commonly accepted operating capacity. The cost of boarding out female inmates continues to increase and impact the county budget.

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

Days

Weeks

12

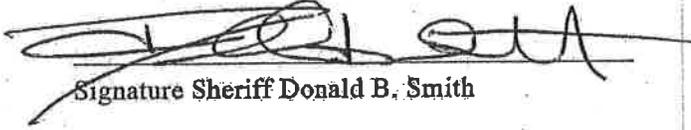
Months

(F) If this variance request is approved, what plans, provisions and timetables are in place for achieving full compliance with the Minimum Standard at issue such as adding to the MFC, etc. (Use additional sheets to provide additional supporting documentation, if necessary)

The renovation and expansion of the female housing unit is under review. There has been dialogue with an architect in developing and revising plans that fit the tight foot print of the Correction Facility property. As the plans are revised components identified as critical have been addressed. Dialogue has been had with the County Executive and the County Legislature regarding the increased female population and that it appears this trend will not change any time soon.

(G) Has this variance been previously approved?

Yes XX If yes, include the variance number 03-V-01


Signature Sheriff Donald B. Smith

October 7, 2012

Date

Additional copies of this form can be obtained by contacting the Commission, or online at www.scoc.state.ny.us. Click on table of contents, Commission Forms, Request for a Variance (Formal application statement).

(SCOC Form #V-1)
(07/06)

Name of Facility: Putnam County Jail

Variance # 11-V-05

New: Renewal:

Relief from Standard: 7040

Application by: Sheriff Donald Smith

Date Request Rec: October 17, 2012

Last Approved: 11/2012

Length of Approval: 12 Month Expiration: 12/1/2012

Write-up Prepared by: Elisha Hamilton

Recommendation by Field Staff: Approve with modifications

Recommendation at Briefing:

Final Recommendation:

SUMMARY OF VARIANCE REQUEST

The facility is requesting to add four (4) beds to the area that is currently referred to as the "Green Tag Room". It is located next to the control room attached to the West Housing Unit. The West Housing Area currently has eight (8) showers and a bathroom with a toilet and sink adjacent to this area. This is in addition to the toilets and sinks in each cell of this unit. This variance would allow the facility to deal with temporary population spikes as an alternative to boarding out inmates. The area will only be used intermittently as short term housing for inmates and only after all non-county inmates have been returned to their respective agencies.

VARIANCE HISTORY

2011	Recommendation:	Approval
	Action Taken	
	Length of variance	1 year
	Conditions, if changed	

CONSTRUCTION/RENOVATION PLANS

None at this time but the Sheriff's Office continues to have open dialogue with the County Executive and County Legislature regarding the increased populations to set a long term plan to alleviate the lack of bed space due to the increased numbers.

OTHER VARIANCES IN EFFECT

03-V-01 and 08-V-08

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

11/3/2011

DATE OF LAST CYCLE VISIT THAT STANDARD VIOLATIONS WERE IDENTIFIED:

7/2011

ANY OPEN MINIMUM STANDARD VIOLATIONS:

N/A

ANY VIOLATIONS WHICH PERTAIN TO THE VARIANCE'S CONDITIONS:

None

JUSTIFICATION FOR WHY VARIANCE SHOULD OR SHOULD NOT BE EXTENDED:

The variance will allow the facility to utilize the West Housing Unit area to avoid boarding inmates when they population spikes and will be used as a last resort before boarding inmates out.

RECOMMENDED CONDITIONS IF APPROVED

1. The area currently has a solid door that will need to be modified so that facility staff will have the uninterrupted ability to communicate orally with and respond to each prisoner unaided by any electronic or other artificial amplifying device.

2. Once the door is modified and reviewed by Commission staff as acceptable the facility would be authorized to house (4) inmates in this area.

Housing Area	MFC	Increase	Total
West Housing Area	44	4	48

3. Only inmates designated as workers by the facility will be eligible to be housed in this area.

4. Inmates housed in the above-noted areas must be provided with a bunk to be used as a bed.

5. "Active supervision" must be provided on a 24-hour basis, pursuant to 9NYCRR Section 7003.2(c) when inmates are housed in any of the above noted areas.

6. Inmates housed in these areas received the same services and programs as the general population.

7. The county shall not exceed the rated MFC for the purpose of boarding inmates. The Commission does not approve variances for the purpose of generating revenue.

REVIEWED BY REGIONAL SUPERVISOR: 

DATE: 10-23-12

REVIEWED BY DEPUTY DIRECTOR:

DATE:

OFFICIAL USE ONLY:

NOTES OF MEETING: _____



New York State
Commission of Correction
80 Wolf Road
Albany, New York 12205
518-485-2465
518-485-2467 (Fax)

New: _____
Renewal: _____
Var. #: _____
(SCOC USE ONLY)

Thomas Beilein
Chairman

Variance Application Form WRSP

INSTRUCTIONS TO SHERIFF OR CHIEF ADMINISTRATIVE OFFICER:

Pursuant to New York State Minimum Standards Part 7050, Variances, please complete all portions of this form and mail or fax this form Attn: Chairman/Commissioner to the address or fax number listed above.

Facility: Putnam County Correction Facility

Person requesting: Donald B. Smith
(Sheriff)

(A) State the specific part, section and subdivision of New York State Minimum Standards for which the variance is requested: Example: 7040.3 states that, the total number of inmates confined within each correctional facility shall not exceed the maximum facility capacity of such facility. To request a variance to house additional inmates within the facility the citation should be listed as:

Ex. Part: 7040 Section: 3 Subdivision: n/a

Standard for which the variance is requested:

Part: 7040 Section: 3 Subdivision: n/a

(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)

As an alternative to boarding out inmates the North Housing Unit 2 has been used and is used to alleviate overcrowding due population spikes. The opening of an un-staffed housing unit, on overtime, for the housing of overflow inmates is a costly option even for short term use. The ability to have a flexible housing alternatives in the correctional facility, during off business hours, would greatly enhance our ability to maintain the inmate population to provide the proper security & supervision.

(C) In the space provided below include a detailed description regarding why this variance is necessary. (Include or attach any relevant supporting documentation)

The male inmate average daily population (ADP) has steadily increased during the past several years to an ADP of 121. Although this is at the high end it was manageable by the use of modest bail and Alternatives to Incarceration [ATI] there have several months where ADP spiked to a new high of 128 and 130. After the removal of the United States Marshal Service inmates the population settled at 122. however, the criminal arrests by the Road Patrol deputies and felony investigations by the detectives have resulted in a significant increase of the jail population. The use of ATI community service has helped to keep the population from reaching even higher levels. The use of ATI pre-trial release has not been as effective as most of the inmates have felony charges, or sex offender and are not eligible for release. When the North Housing Unit 2 is used for females or constant supervision the only alternative is the boarding out of inmates. The cost of boarding out inmates has caused a financial hardship on the county budget.

(D) Provide the amount of time for which the variance is requested, if applicable

____ Days Weeks 12 Months

(F) If this variance request is approved, what plans, provisions and timetables are in place for achieving full compliance with the Minimum Standard at issue such as adding to the MFC, etc. (Use additional sheets to provide additional supporting documentation, if necessary)

The removal of non-county inmates. The release of and deferral of inmates through ATI. The use of this variance for intermittent short term housing responses to the increasing and spiking inmate population. Continued dialogue with the County Executive and the County Legislature regarding the increased populations to set a long term plan to alleviate the lack of bed space.

(G) Has this variance been previously approved?

NO.


Signature Sheriff Donald B. Smith

October 7, 2012

Date

Additional copies of this form can be obtained by contacting the Commission, or online at www.scoc.state.ny.us. Click on table of contents, Commission Forms, Request for a Variance (Formal application statement).

(SCOC Form #V-1)
(07/06)

Name of Facility: Putnam County

Variance # 08-V-08

New: Renewal:

Relief from Standard: 7040

Application by: Sheriff Donald Smith

Date Request Rec: 10/2012

Last Approved: 11/2011

Length of Approval: 1 Year

Expiration: 12/01/2011

Write-up Prepared by: Elisha Hamilton

Recommendation by Field Staff: Approve

Recommendation at Briefing:

Final Recommendation:

SUMMARY OF VARIANCE REQUEST

Sheriff Smith is requesting an extension of this variance which authorizes the county to house an additional four (4) inmates in the day space of the North Housing Unit. This allows the facility to have an area to house inmates in the event of local population spike.

VARIANCE HISTORY

2011	Recommendation:	Approval
	Action Taken	
	Length of variance	1 year
	Conditions, if changed	
2010	Recommendation:	Approval
	Action Taken	
	Length of variance	1 year
	Conditions, if changed	
2009	Recommendation:	Approval
	Action Taken	
	Length of variance	1 year
	Conditions, if changed	
2008	Recommendation:	Approval
	Action Taken	Approved at 11/08 meeting
	Length of Variance	1 year
	Conditions, if changed	

CONSTRUCTION/RENOVATION PLANS

None at this time but the county has had some dialogue with an architect about developing and revising plans to address female housing units.

OTHER VARIANCES IN EFFECT

03-V-01, 11-V-05

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

8/30/2012

DATE OF LAST CYCLE VISIT THAT STANDARD VIOLATIONS WERE IDENTIFIED:

8/30/2012

ANY OPEN MINIMUM STANDARD VIOLATIONS:

Administrative segregation pending a disciplinary hearing is not done on a case by case basis. Inmates are not consistently separated by their classification designation.

ANY VIOLATIONS WHICH PERTAIN TO THE VARIANCE'S CONDITIONS:

None

JUSTIFICATION FOR WHY VARIANCE SHOULD OR SHOULD NOT BE EXTENDED:

This area is used as an overflow on an as needed basis.

RECOMMENDED CONDITIONS IF APPROVED

1. The county would be authorized to house an additional (4) inmates in the North housing unit 2.

Housing unit	MFC	Increase	Total
North Housing 2	4	4	8

2. Inmates housed in the above-noted areas must be provided with a bunk to be used as a bed.

3. "Active supervision" must be provided on a 24-hour basis, pursuant to 9NYCRR Section 7003.2(c) when inmates are housed in any of the above noted areas.

4. Inmates housed in these areas received the same services and programs as the general population.

5. The county shall not exceed the rated MFC for the purpose of boarding inmates. The Commission does not approve variances for the purpose of generating revenue.

REVIEWED BY REGIONAL SUPERVISOR:



DATE:

10-23-12

OFFICIAL USE ONLY:

NOTES OF MEETING: _____



New York State
Commission of Correction
80 Wolf Road
Albany, New York 12205
518-485-2465
518-485-2467 (Fax)

New: _____
Renewal: _____
Var. #: _____
(SCOC USE ONLY)

Thomas Beilein
Chairman

Variance Application Form NORTH2

INSTRUCTIONS TO SHERIFF OR CHIEF ADMINISTRATIVE OFFICER:

Pursuant to New York State Minimum Standards Part 7050, Variances, please complete all portions of this form and mail or fax this form Attn: Chairman/Commissioner to the address or fax number listed above.

Facility: Putnam County Correction Facility

Person requesting: Donald B. Smith
(Sheriff)

(A) State the specific part, section and subdivision of New York State Minimum Standards for which the variance is requested: Example: 7040.3 states that, the total number of inmates confined within each correctional facility shall not exceed the maximum facility capacity of such facility. To request a variance to house additional inmates within the facility the citation should be listed as:

Ex. Part: 7040 Section: 3 Subdivision: n/a

Standard for which the variance is requested:

Part: 7040 Section: 3 Subdivision: n/a

(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)

No alternative has been found within the correctional facility. The opening of an un-staffed housing unit, on overtime, for the housing of overflow inmates is the only option in the short term, prior to finding other suitable housing. The ability to have a flexible housing alternative in the correctional facility, during off business hours, would greatly enhance our ability to maintain the inmate population in the proper security & supervision.

(C) In the space provided below include a detailed description regarding why this variance is necessary. (Include or attach any relevant supporting documentation)

The female and male inmate average daily population (ADP) has fluctuated and steadily increased in the past 60 months from 8 to 25, and 100 to 117, respectively. During the past year, both populations have remained at their highest levels, 15 and 113, respectively. This increase has had a severe impact on the operations of the general population housing units, as they have reached or exceeded 98 % capacity. This additional bed space in this housing unit would allow for the flexibility, during normal business hours, to manage the increases and fluctuations of inmate population properly prior to finding a long term solution. The cost of boarding out inmates has caused a financial hardship on the county budget.

(D) Provide the amount of time for which the variance is requested, if applicable

Days Weeks 12 Months

(F) If this variance request is approved, what plans, provisions and timetables are in place for achieving full compliance with the Minimum Standard at issue such as adding to the MFC, etc. (Use additional sheets to provide additional supporting documentation, if necessary)

The removal of some or all of the board in inmates, when the use of the overflow and/or variances bed space is utilized. Reassign inmate housing and evaluate the feasibility of short term boarding out of inmates. Continue dialogue with the County Executive and the County Legislature regarding the increased populations and set a long term plan to alleviate the lack of bed space.

(G) Has this variance been previously approved?

YES. _____ If yes, include the variance number 08-V-08


Signature Sheriff Donald B. Smith

October 7, 2012

Date.

Additional copies of this form can be obtained by contacting the Commission, or online at www.scoc.state.ny.us. Click on table of contents, Commission Forms, Request for a Variance (Formal application statement).

(SCOC Form #V-1)
(07/06)