



**NEW YORK STATE COMMISSION OF CORRECTION  
ANNUAL REPORT  
2011**

**THOMAS A. BEILEIN**  
CHAIRMAN

**PHYLLIS HARRISON-ROSS, M.D.**  
COMMISSIONER

**“TO PROVIDE FOR A SAFE, STABLE AND HUMANE  
CORRECTIONAL SYSTEM.”**



STATE OF NEW YORK • EXECUTIVE DEPARTMENT  
**STATE COMMISSION OF CORRECTION**  
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Thomas A. Beilein

COMMISSIONER  
Phyllis Harrison-Ross, M.D.

THE HONORABLE ANDREW CUOMO  
Governor

THE HONORABLE DEAN G. SKELOS  
Senate Majority Leader

THE HONORABLE SHELDON SILVER  
Assembly Speaker

THE HONORABLE JOHN J. SAMPSON  
Senate Minority Leader

THE HONORABLE BRIAN M. KOLB  
Assembly Minority Leader

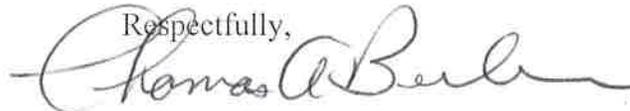
Governor and Members of the Legislature:

I am pleased to submit to you the New York State Commission of Correction Annual Report for the year 2011.

The Commission continues to stand by its mission to provide a safe, stable and humane correctional system in New York State. Governor Andrew Cuomo's commitment to the improvement of the correctional system in New York and his support of corrections professionals throughout the state gives the Commission added leverage to further its mission.

The statutory mandate of the Commission of Correction is a broad and multi-faceted one. The Commission has continuously carried out its mandate effectively and efficiently, and stands out in the correctional arena as an innovator and provider of quality services to New York State.

The Commission's commitment to the correctional community and the people of New York State will remain strong. The agency looks forward to continuing to serve the best interests of both.

Respectfully,  


Thomas A. Beilein  
Chairman

cc: Elizabeth Glazer, Deputy Secretary for Public Safety

## **HISTORY**

The State Commission of Correction is the current-day embodiment of the New York State Commission of Prisons, which was established in July of 1895. The Commission of Prisons was meant to function as an autonomous body for the sole purpose of monitoring all detention and correctional facilities within the State.

While the State Commission of Correction essentially functioned in its original capacity for almost eighty years, in the 1970's, the Commission underwent a series of administrative and legal changes which significantly affected its mission in the correctional field.

As the State Commission of Correction's autonomy and mission were expanded and made more credible, the Governor and Legislature also restructured the agency's administration. A full-time, three member Commission was established, appointed by the Governor with the advice and consent of the Senate. The Citizen's Policy and Complaint Review Council (CPCRC), consisting of nine gubernatorial appointed positions, of which seven are currently filled, was also established, and the Medical Review Board was reorganized.

## **CORRECTIONAL OVERSIGHT LEGAL AUTHORITY**

Correctional facilities in New York State operate pursuant to a body of carefully formulated constitutional and statutory law and regulations. The State Commission of Correction's legal authority is derived from the following:

- County Law, Article 5, Section 217: "Each county shall continue to maintain a county jail as prescribed by law."
- Correction Law, Article 6: Management of state correctional facilities.
- Correction Law, Article 20: Statutory provisions governing New York State penitentiaries and jails.
- Article XVII, Section 5 of the New York State Constitution provides that there shall be a State Commission of Correction, which shall visit and inspect all institutions used for the detention of sane adults charged with or convicted of crime.
- Correction Law, Article 3, establishes the Commission and its oversight and regulatory powers. Section 45(6) of the Correction Law provides for the State Commission of Correction to promulgate rules and regulations establishing minimum standards for the care, custody, correction, treatment, supervision, discipline, and other correctional programs for all persons confined in correctional facilities for adults and correctional facilities for juvenile offenders.

- Title 9, Subtitle AA of the Official Compilation of Codes, Rules and Regulations of the State of New York contains the minimum standards and regulations for the management of correctional facilities, as promulgated by the State Commission of Correction.

## **ORGANIZATIONAL AND STATUTORY AUTHORITY**

The New York State Commission of Correction is an Executive Department correctional oversight and technical services agency first established in the New York State Constitution (Article XVII) in 1895. The Commission's services are delivered to all state, county, and New York City correctional facilities, including police department detention facilities. Its organization, functions, powers and duties are set forth in New York State Correction Law, Article 3.

The Commission's duties include:

- advising the Governor on correctional policy;
- promulgation of rules and regulations establishing minimum standards for the care, custody, treatment, supervision and discipline for all persons confined in correctional facilities;
- ensuring compliance with minimum standards;
- monitoring, adjusting and enhancing prison and jail population capacity;
- reviewing all inmate grievances, complaints, and reportable incidents;
- overseeing new correctional facility development;
- providing staffing services;
- assisting in the implementation of new correctional technologies;
- review of inmate mortality;
- evaluation and development of health and mental health services; and
- overseeing secure juvenile centers operated by the NYS Office of Children and Family Services.

The Commission's mission is to provide for a safe, stable and humane correctional system and for the delivery of essential services therein. The three deliberative members of the Commission are appointed by the Governor to statutory terms with the advice and consent of the New York State Senate. One commissioner serves as chair and chief executive officer. The other two commissioners are assigned to head the Medical Review Board and Citizen's Policy and Complaint Review Council respectively, members of which are also appointed to terms by the Governor.

The Commission is primarily a field services agency with 19 Correctional Facility Specialists in its Field Operations Bureau and Forensic Medical Unit. Legal and Support Services units complete the agency's staff complement of 26. The present staff represents a reorganized approach to the agency mission associated with a downsizing and streamlining of operations.

In summary, the Commission is a small, specialized criminal justice service agency supporting the statewide correctional community, working on behalf of the Governor to professionalize and enhance the quality of corrections in New York.

## **MEDICAL REVIEW BOARD**

The Medical Review Board (MRB) was established by the Legislature in 1972 to investigate deaths in correctional facilities within the state and to make recommendations for improving the delivery of health care to detainees and sentenced offenders.

Section 46 of the Correction Law provides for an organized Correction Medical Review Board within the State Commission of Correction. The Board must consist of two physicians who are board certified respectively in forensic pathology and forensic psychiatry, another physician, an attorney admitted to the New York Bar, and two at-large members, all appointed by the Governor to statutory terms with advice and consent of the Senate.

Section 47 of the Correction Law empowers the Board to:

“(1.) (a) Investigate and review the cause and circumstances of the death of any inmate of a correctional facility and,

(1.) (e) Investigate and report to the Commission on the condition of systems for the delivery of medical care to inmates of correctional facilities and where appropriate, recommend such changes as it shall deem necessary and proper to improve the quality and availability of such medical care.”

The Commission and the Medical Review Board pursue the following objectives:

- Conduct timely and thorough investigations of all mortality and serious incident cases in the correctional system;
- Develop and administer cost-effective plans, projects, and programs to address identified problems in the health care delivery of all correctional facilities; and
- Maintain continuous oversight of correctional health care trends by substantive response to inmate health care grievances and review of Medical Review Board recommendations.

The Medical Review Board meets on a quarterly basis. The 2011 MRB members included:

Phyllis Harrison-Ross, M.D., Chairperson  
Michael Baden, M.D.  
Robert Kurtz, M.D.  
Bruce David, M.D.  
Scott S. Coyne, M.D.  
Marjorie Blieka, M.D.  
Allison Bishop, Esq.

### **CITIZEN’S POLICY AND COMPLAINT REVIEW COUNCIL**

The Council was established by the Legislature to address the need for increased public participation in the oversight and regulation of local correctional facilities. Its mandate includes: improving conditions in local correctional facilities, overseeing the inmate complaint and grievance process, and advising the Commission.

The Council is comprised of nine members appointed by the Governor with advice and consent of the Senate. The statute requires that one member shall have been a Vietnam veteran, or a licensed mental health professional with expertise in Post-traumatic Stress Disorder, an attorney, a former inmate of a correctional facility, a former Office of Children and Family Services (OCFS) resident, and a former OCFS employee.

The Citizen’s Policy and Complaint Review Council (CPCRC) convenes monthly. The 2011 CPCRC members included:

Thomas Beilein, Chairperson (non-voting)  
Brian Cotter  
Thomas Cross  
Theodore Hilscher, Esq.  
Nicholas LaBella  
Douglas Landon, Esq.  
Jimmie Seright  
Julie Scalione, Esq.  
Burt Schoenbach

**FIELD OPERATIONS MANAGEMENT AND SUPERVISORY  
STAFF  
2011**

**JAMES E. LAWRENCE**  
Director

**RICHARD KINNEY**  
Deputy Director

**STEVEN SAVOY**  
Field Supervisor  
Metro South-Central Region

**WILLIAM BENJAMIN**  
Field Supervisor  
Hudson Lakes Region

**TERRY MORAN**  
Field Supervisor  
Capital-West Region

**PEGGY LOFFREDO**  
Field Supervisor  
Forensic Unit

# **FIELD OPERATIONS MISSION DIRECTED PROGRAMS**

**Facility Monitoring, Evaluations and Incidents**

**Inmate Complaints and Grievances**

**Capacity Management**

**Staffing Services**

**Facilities Development and Operational Transition**

**Technical Assistance**

**Compliance Monitoring for the Handling and Processing of Juveniles**

**Healthcare, Mental Health and Suicide Prevention**

**Regulatory Oversight of Secure Facilities Operated by the Office of Children  
and Family Services (OCFS)**

## **BUREAU OF FIELD OPERATIONS**

The Bureau of Field Operations has primary responsibility for performing the Commission's agency functions. Among them are correctional facility compliance assessments, incident reviews and investigations, mortality investigations, health system evaluations, inmate grievance and complaint review, facility planning and a variety of technical assistance.

The Bureau of Field Operations operates throughout the correctional systems of New York State. This system includes all state, county, and New York City correctional facilities, as well as local police department lockups and those secure facilities operated by the New York State Office of Children of Family Services. In 2011, the Bureau of Field Operations was organized into three regions: Hudson Lakes, Capital West, and Metro South-Central.

### **Facility Compliance: Assessment and Monitoring Field Work, Incidents, Complaints & Grievances**

Staff assigned to the field units, located in Albany and New York City offices, conducted on-site visits to various state and local correctional facilities to assess compliance with Commission minimum standards, monitor unusual conditions (disturbances, strikes, job actions, unstable conditions, etc.), evaluate the management of correctional facilities, prepare comprehensive reports and provide technical assistance to facility administrators on areas of operational concern and/or non-compliance. In the event that problems remain unresolved, the Commission has recourse through the courts.

### **Individual Facility Plan Development: Minimum Standards Compliance Assessment**

Commission field staff begins each calendar year by preparing an Individual Facility Plan (IFP) for each county correctional facility to which they are assigned. The IFP can best be described as a comprehensive facility work plan for the coming year. This plan may follow several different paths depending upon the compliance status of the particular facility. A facility's IFP may involve the assessment of a number of minimum standards for compliance, or it may entail a more intensive effort to concentrate on a limited number of standards, targeted because of the particular operational challenges their requirements create for the facility. In such circumstances, field staff typically spends a greater amount of field time working with facility officials to identify mutually acceptable ways to attain compliance.

By deploying staff resources primarily where actual compliance deficiencies exist, the Commission believes it can be more purposeful and productive in its effort to bring all county facilities in New York State into substantial compliance with 9 NYCRR. To ensure that no part of the New York State Minimum Standards are unintentionally overlooked, the IFP model currently employed by the Commission requires that field staff assess compliance for each standard at least once every five years.

In addition to the compliance assessment activities described above, field staff also schedule regular follow-up site reviews and provide various forms of technical assistance to facilities throughout the year. These additional forms of monitoring activities serve to augment the more standardized compliance assessment work. Staff periodically conducts unannounced site visits to facilities as a way of more closely monitoring operational competencies. Such visits also provide

staff with a window in order to scrutinize a facility's climate and physical plant conditions. Finally, Commission staff makes every effort to maintain an ongoing dialog between themselves and Commission field staff and facility management throughout the year. This ensures field staff has a greater understanding and appreciation for the immediate operational challenges confronting a facility's staff.

Whenever issues of non-compliance are identified, Commission staff brings their findings to the attention of the county commissioner for corrections or the sheriff and/or the facility's chief administrative officer. Commission staff typically prepares reports that contain specific remedial action(s) the facility is required to take in order to attain compliance. Staff may also provide written recommendations on how best the facility can ameliorate an operational finding that, while not constituting non-compliance, can be improved. Commission staff also schedule follow-up site visits to facilities in order to ensure the proper implementation of any required remedial actions.

The following list represents the New York State Minimum Standards (9 NYCRR) pertaining to the management of county correctional facilities:

- |   |   |
|---|---|
| Part 7002, Admissions                   | Part 7024, Religion                         |
| Part 7003, Security and Supervision     | Part 7025, Packages                         |
| Part 7004, Correspondence               | Part 7026, Printed Materials & Publications |
| Part 7005, Prisoner Personal Hygiene    | Part 7028, Exercise                         |
| Part 7006, Discipline                   | Part 7030, Nondiscriminatory Treatment      |
| Part 7007, Good Behavior Allowance      | Part 7031, Legal Services                   |
| Definite Sentences & Civil Commitments  | Part 7032, Grievance Program                |
| Part 7008, Visitation                   | Part 7033, Transfer of Records              |
| Part 7009, Food Services                | Part 7039, Fire Prevention and Safety       |
| Part 7010, Health Services              | Part 7040, Maximum Facility Capacity        |
| Part 7013, Classification               | Part 7041, Staffing Requirements            |
| Part 7015, Sanitation                   | Part 7050, Variances                        |
| Part 7016, Commissary & Inmate Accounts | Part 7051, Funeral and Deathbed Visits      |
| Part 7017, Personnel Standards          | Part 7063, Chemical Agents                  |
| Part 7019, Gifts and Gratuities         | Part 7064, Human Immunodeficiency           |
| Part 7022, Reportable Incidents         | Information Confidentiality                 |
| Part 7023, Access to Media              | Part 7070, Educational Services for Youth   |

The following is a list of those county facilities where Commission staff conducted on-site compliance assessments in 2011. Listed under each county are the specific standards that were assessed. Notifications of violation issued in 2011, indicating incidents of chronic non-compliance, are also listed.

### **Broome County Jail**

#### **Compliance Assessment conducted for the following:**

- Part 7003, Security and Supervision
- Part 7006, Discipline
- Part 7008, Visitation
- Part 7024, Religion
- Part 7032, Grievance Program

#### **Follow up compliance status assessment conducted for the following:**

- Part 7002, Admissions
- Part 7013, Classification
- Part 7041, Staffing Requirements

#### First Notice of Violation Issued

- Part 7013, Classification (Unauthorized Co-mingling)
- Part 7003, Security & Supervision (Unauthorized Location Constant Observation)

#### Second Notice of Violation Issued

- Part 7013, Classification (Unauthorized Co-mingling)
- Part 7003, Security & Supervision (Unauthorized Location Constant Observation)

### **Cayuga County Jail**

#### **Compliance Assessment conducted for the following:**

- Part 7003, Security and Supervision
- Part 7006, Discipline
- Part 7008, Visitation
- Part 7009, Food Services
- Part 7015, Sanitation
- Part 7023, Access to Media
- Part 7028, Exercise
- Part 7030, Nondiscriminatory Treatment
- Part 7033, Transfer of Records
- Part 7070, Educational Services For Youth

### **Chautauqua County Jail**

#### **Follow up compliance status assessment conducted for the following:**

- Part 7002, Admissions
- Part 7003, Security and Supervision
- Part 7005, Prisoner Personal Hygiene
- Part 7008, Visitation
- Part 7013, Classification
- Part 7031, Legal Services
- Part 7040, Maximum Facility Capacity
- Part 7051, Funeral and Deathbed Visits

Part 7063, Chemical Agents

**Compliance Assessment conducted for the following:**

- Part 7002, Admissions
- Part 7003, Security and Supervision
- Part 7005, Prisoner Personal Hygiene
- Part 7006, Discipline
- Part 7019, Gifts and Gratuities
- Part 7031, Legal Services
- Part 7032, Grievance Program

Notice of Violation Issued to Facility

Submission of Sheriff's Annual Report (Part 7000, Legal Authority)

Notice of Violation Issued to Facility

Unauthorized Double Ceiling (Part 7040 Maximum Facility Capacity)

Revised Facility Capacity (Part 7040, Maximum Facility Capacity)

**Chemung County Jail**

**Compliance Assessment conducted for the following:**

- Part 7003, Security and Supervision
- Part 7005, Prisoner Personal Hygiene
- Part 7006, Discipline
- Part 7008, Visitation
- Part 7009, Food Services
- Part 7015, Sanitation
- Part 7023, Access to Media
- Part 7028, Exercise
- Part 7030, Nondiscriminatory Treatment
- Part 7033, Transfer of Records
- Part 7070, Educational Services For Youth

**Follow up compliance status assessment conducted for the following:**

- Part 7003, Security and Supervision
- Part 7006, Discipline
- Part 7028, Exercise
- Part 7033, Transfer of Records
- Part 7070, Educational Services for Youth

**Chenango County Jail**

**Compliance Assessment conducted for the following:**

- Part 7032, Grievance Program

**Clinton County Jail**

**Compliance Assessment conducted for the following:**

- Part 7002, Admissions
- Part 7003, Security and Supervision
- Part 7004, Correspondence
- Part 7007, Good Behavior Allowance Against Definite Sentences & Civil Commitments
- Part 7009, Food Services

Part 7013, Classification  
Part 7015, Sanitation  
Part 7017, Personnel Standards  
Part 7022, Reportable Incidents  
Part 7025, Packages  
Part 7031, Legal Services  
Part 7032, Grievance Program  
Part 7033, Transfer of Records  
Part 7039, Fire Prevention and Safety  
Part 7040, Maximum Facility Capacity  
Part 7041, Staffing Requirements  
Part 7051, Funeral and Deathbed Visits  
Part 7063, Chemical Agents

**Follow up compliance status assessment conducted for the following:**

Part 7003, Security and Supervision  
Part 7009, Food Services  
Part 7013, Classification  
Part 7015, Sanitation  
Part 7022, Reportable Incidents  
Part 7031 Legal Services  
Part 7039, Fire Prevention and Safety  
Part 7063, Chemical Agents  
JJDP A Follow-up

Notice of Violation Issued to Facility

First Notice of Violation Part 7041, Staffing Requirements

Notice of Violation Issued to Facility

Second Notice of Violation Part 7041, Staffing Requirements

**Cortland County Jail**

**Compliance Assessment conducted for the following:**

Part 7003, Security and Supervision  
Part 7006, Discipline  
Part 7009, Food Services  
Part 7015, Sanitation  
Part 7023, Access to Media  
Part 7032, Grievance Program  
Part 7039, Fire Prevention and Safety  
Part 7040, Maximum Facility Capacity  
Part 7050, Variances

**Follow up compliance status assessment conducted for the following:**

Part 7003, Security and Supervision  
Part 7009, Food Services  
Part 7015, Sanitation  
Part 7026, Printed Materials  
Part 7039, Fire Prevention and Safety

JJDP A Compliance Assessment

**Delaware County Jail**

**Follow up compliance status assessment conducted for the following:**

- Part 7003, Security and Supervision
- Part 7009, Food Services
- Part 7013, Classification

**Dutchess County Jail**

**Compliance Assessment conducted of the following:**

- Part 7003, Security and Supervision
- Part 7009, Food Services
- Part 7013, Classification
- Part 7015, Sanitation
- Part 7031, Legal Services

**Follow up compliance status assessment conducted of the following:**

- Part 7013, Classification
- Part 7008, Visitation

**Erie Holding Center**

**Follow up compliance status assessment conducted of the following:**

- Part 7002, Admissions
- Part 7003, Security and Supervision
- Part 7005, Prisoner Personal Hygiene
- Part 7006, Discipline
- Part 7008, Visitation
- Part 7009, Food Services
- Part 7013, Classification
- Part 7015, Sanitation
- Part 7024, Religion
- Part 7025, Packages
- Part 7028, Exercise
- Part 7031, Legal Services
- Part 7032, Grievance Program
- Part 7039, Fire Prevention and Safety

**Essex County Jail**

**Follow up compliance status assessment conducted of the following:**

- Part 7002, Admissions
- Part 7003, Security and Supervision
- Part 7007, Good Behavior Allowance Against Definite Sentences & Civil Commitments
- Part 7013, Classification

**Compliance Assessment conducted for the following:**

- Part 7003, Security and Supervision
- Part 7005, Prisoner Personal Hygiene
- Part 7006, Discipline
- Part 7022, Reportable Incidents
- Part 7031, Legal Services

Part 7032, Grievance Program  
JJDP A Compliance Assessment

**Genesee County Jail**

**Follow up compliance status assessment conducted for the following:**

- Part 7002, Admissions
- Part 7003, Security and Supervision
- Part 7007, Good Behavior Allowance Against Definite Sentences & Civil Commitments
- Part 7009, Food Services
- Part 7015, Sanitation
- Part 7024, Religion
- Part 7025, Packages
- Part 7028, Exercise
- Part 7031, Legal Services
- Part 7039, Fire Prevention and Safety
- Part 7040, Maximum Facility Capacity
- Part 7051, Funeral and Deathbed Visits

**Jefferson County Jail**

**Follow up compliance status assessment conducted for the following:**

- Part 7003, Security and Supervision
- Part 7006, Discipline
- Part 7009, Food Services
- Part 7015, Sanitation
- Part 7039, Fire Prevention and Safety
- Part 7040, Maximum Facility Capacity

Notice of Violation - Section 7003.8(a) (b) Firearms Control  
JJDP A Compliance Assessment

**Madison County Jail**

**Compliance Assessment conducted for the following:**

- Part 7003, Security and Supervision
- Part 7009, Food Services
- Part 7015, Sanitation
- Part 7016, Commissary and Inmate Accounts
- Part 7030, Nondiscriminatory Treatment
- Part 7032, Grievance Program
- Part 7039, Fire Prevention and Safety
- Part 7063, Chemical Agents

JJDP A Compliance Assessment

**Monroe County Jail & Monroe County Penitentiary**

Notice of Violation, section 7010.2(b)

### **Montgomery County Jail**

#### **Compliance Assessment conducted for the following:**

- Part 7003, Security and Supervision
- Part 7006, Discipline
- Part 7008, Visitation
- Part 7009, Food Services
- Part 7015, Sanitation
- Part 7023, Access to Media
- Part 7028, Exercise
- Part 7030, Nondiscriminatory Treatment
- Part 7033, Transfer of Records
- Part 7070, Educational Services for Youth

### **Nassau County Correctional Facility**

#### **Follow up compliance status assessment conducted for the following:**

- Part 7003, Security and Supervision
- Part 7006, Discipline
- Part 7005, Prisoner Personal Hygiene
- Part 7009, Food Services
- Part 7015, Sanitation
- Part 7016, Commissary and Inmate Accounts
- Part 7032, Grievance Program
- Part 7041, Staffing Requirements
- Part 7063, Chemical Agents

Notice of Violation - Part 7041, Staffing Requirements

### **Niagara County Jail**

#### **Compliance Assessment conducted for the following:**

- Part 7003, Security and Supervision
- Part 7006, Discipline
- Part 7008, Visitation
- Part 7009, Food Services
- Part 7015, Sanitation
- Part 7023, Access to Media
- Part 7030, Nondiscriminatory Treatment
- Part 7070, Educational Services for Youth

#### **Follow up compliance status assessment conducted for the following:**

- Part 7002, Admission
- Part 7003, Security and Supervision
- Part 7004, Correspondence
- Part 7009, Food Services
- Part 7013, Classification
- Part 7039, Fire Prevention and Safety
- Part 7040, Maximum Facility Capacity

**Oneida County Jail**

**Compliance Assessment conducted for the following:**

- Part 7003, Security and Supervision
- Part 7006, Discipline
- Part 7009, Food Services
- Part 7015, Sanitation
- Part 7022, Reportable Incidents
- Part 7039, Fire Prevention and Safety
- Part 7063, Chemical Agents

JJDPA Compliance Assessment

**Onondaga Justice Center**

**Compliance Assessment conducted for the following:**

- Part 7003, Security and Supervision
- Part 7009, Food Services
- Part 7015, Sanitation
- Part 7032, Grievance Program
- Part 7039, Fire Prevention and Safety
- Part 7050, Variances
- Part 7063, Chemical Agents

**Follow up compliance status assessment conducted for the following:**

- Part 7003, Security and Supervision
- Part 7032, Grievance Program
- Part 7063, Chemical Agents

JJDPA Compliance Assessment

**Onondaga County Penitentiary**

**Compliance Assessment conducted for the following:**

- Part 7003, Security and Supervision
- Part 7009, Food Services
- Part 7015, Sanitation
- Part 7019, Gifts and Gratuities
- Part 7022, Reportable Incidents
- Part 7039, Fire Prevention and Safety
- Part 7063, Chemical Agents

JJDPA Compliance Assessment

**Ontario County Jail**

**Compliance Assessment conducted for the following:**

- Part 7005, Prisoner Personal Hygiene
- Part 7008, Visitation
- Part 7016, Commissary and Inmate Accounts
- Part 7023, Access to Media
- Part 7026, Printed Materials
- Part 7030, Nondiscriminatory Treatment
- Part 7070, Educational Services for Youth

**Follow up compliance status assessment conducted for the following:**

Part 7016, Commissary and Inmate Accounts

**Orange County Jail**

**Compliance Assessment conducted for the following:**

Part 7003, Security and Supervision  
Part 7013, Classification  
Part 7015, Sanitation  
Part 7017, Personnel Standards  
Part 7040, Maximum Facility Capacity

**Follow up compliance status assessment conducted for the following:**

Part 7013, Classification  
Part 7031, Legal Services  
Part 7039, Fire Prevention and Safety

JJDPA Compliance Assessment

**Orleans County Jail**

**Follow up compliance status assessment conducted for the following:**

Part 7002, Admissions  
Part 7003, Security and Supervision  
Part 7007, Good Behavior Allowance Against Definite Sentences & Civil Commitments  
Part 7009, Food Services  
Part 7013, Classification  
Part 7024, Religion  
Part 7031, Legal Services  
Part 7039, Fire Prevention and Safety  
Part 7040, Maximum Facility Capacity  
Part 7063, Chemical Agents

**Oswego County Jail**

Notice of Violation

Part 7010, Health Services (Medication distribution)

**Otsego County Jail**

JJDPA Compliance Assessment

**Rensselaer County Jail**

**Follow up compliance status assessment conducted for the following:**

Part 7002, Admissions  
Part 7003, Security and Supervision  
Part 7009, Food Services  
Part 7013, Classification  
Part 7017, Personnel Standards  
Part 7025, Packages  
Part 7039, Fire Prevention and Safety

JJDPA Compliance Assessment

**Rockland County**

**Compliance Assessment conducted for the following:**

- Part 7005, Prisoner Personal Hygiene
- Part 7008, Visitation
- Part 7015, Sanitation
- Part 7023, Access to Media
- Part 7031, Legal Services
- Part 7041, Staffing Requirements

**Follow up compliance status assessment conducted for the following:**

- Part 7008, Visitation
- Part 7015, Sanitation
- Part 7031, Legal Services
- JJDPA Compliance Assessment
- Notice of Violation Part 7041, Staffing Requirements

**Saratoga County Jail**

**Compliance Assessment conducted for the following:**

- Part 7003, Security and Supervision
- Part 7005, Prisoner Personal Hygiene
- Part 7006, Discipline
- Part 7032, Grievance Program

**Follow up compliance status assessment conducted for the following:**

- Part 7017, Personnel Standards
- JJDPA Compliance Assessment

**Schenectady County Jail**

**Compliance Assessment conducted for the following:**

- Part 7003, Security and Supervision
- Part 7004, Correspondence
- Part 7006, Discipline
- Part 7008, Visitation
- Part 7009, Food Services
- Part 7013, Classification
- Part 7015, Sanitation
- Part 7016, Commissary and Inmate Accounts
- Part 7028, Exercise
- Part 7031, Legal Services
- Part 7032, Grievance Program
- Part 7041, Staffing Requirements
- Part 7070, Educational Services For Youth

**Schuyler County Jail**

**Compliance Assessment conducted for the following:**

- Part 7003, Security and Supervision
- Part 7006, Discipline
- Part 7008, Visitation

Part 7009, Food Services  
Part 7015, Sanitation  
Part 7023, Access to Media  
Part 7028, Exercise  
Part 7030, Nondiscriminatory Treatment  
Part 7033, Transfer of Records  
Part 7070, Educational Services For Youth

**Follow up compliance status assessment conducted for the following:**

Part 7003, Security and Supervision  
Part 7006, Discipline  
Part 7008, Visitation  
Part 7009, Food Services  
Part 7028, Exercise  
Part 7070, Educational Services For Youth

**Steuben County Jail**

**Compliance Assessment conducted for the following:**

Part 7003, Security and Supervision  
Part 7006, Discipline  
Part 7008, Visitation  
Part 7013, Classification  
Part 7016, Commissary and Inmate Accounts  
Part 7030, Nondiscriminatory Treatment  
Part 7070, Educational Services for Youth  
JJCPA Compliance Assessment

**Tioga County Jail**

**Follow up compliance status assessment conducted for the following:**

Part 7003, Security and Supervision  
Part 7013, Classification

**Compliance Assessment conducted for the following:**

Part 7003, Security and Supervision  
Part 7004, Correspondence  
Part 7009, Food Services  
Part 7013, Classification  
Part 7015, Sanitation  
Part 7022, Reportable Incidents  
Part 7023, Access to Media  
Part 7024, Religion  
Part 7025, Packages  
Part 7031, Legal Services  
Part 7039, Fire Prevention  
Part 7050, Variances  
Part 7063, Chemical Agents

Juvenile Justice Delinquency Prevention Act Compliance

### **Tompkins County Jail**

#### **Compliance Assessment conducted for the following:**

- Part 7003, Security and Supervision
- Part 7005, Prisoner Personal Hygiene
- Part 7009, Food Services
- Part 7028, Exercise
- Part 7032, Grievance Program
- Part 7050, Variances
- Part 7070, Educational Services for Youth

#### **Follow up compliance status assessment conducted for the following:**

- Part 7002, Admissions
- Part 7003, Security and Supervision

### **Ulster County Jail**

#### **Compliance Assessment conducted for the following:**

- Part 7002, Admissions
- Part 7003, Security and Supervision
- Part 7004, Correspondence
- Part 7007, Good Behavior Allowance Against Definite Sentences & Civil Commitments
- Part 7008, Visitation
- Part 7009, Food Services
- Part 7013, Classification
- Part 7015, Sanitation
- Part 7017, Personnel Standards
- Part 7022, Reportable Incidents
- Part 7024, Religion
- Part 7025, Packages
- Part 7039, Fire Prevention and Safety
- Part 7040, Maximum Facility Capacity
- Part 7051, Funeral and Deathbed Visits
- Part 7063, Chemical Agents

### **Warren County Jail**

#### **Compliance Assessment conducted for the following:**

- Part 7002, Admissions
- Part 7003, Security and Supervision
- Part 7006, Discipline
- Part 7007, Good Behavior Allowance Against Definite Sentences & Civil Commitments
- Part 7009, Food Services
- Part 7013, Classification
- Part 7015, Sanitation
- Part 7022, Reportable Incidents
- Part 7032, Grievance Program
- Part 7039, Fire Prevention and Safety
- Part 7041, Staffing Requirements
- Part 7063, Chemical Agents

**Washington County Jail**

**Follow up compliance status assessment conducted for the following:**

- Part 7002, Admissions
- Part 7003, Security and Supervision
- Part 7005, Prisoner Person Hygiene
- Part 7006, Discipline
- Part 7007, Good Behavior Allowance Against Definite Sentences & Civil Commitments
- Part 7008, Visitation
- Part 7013, Classification
- Part 7015, Sanitation
- Part 7016, Commissary and Inmate Accounts
- Part 7025, Packages
- Part 7028, Exercise
- Part 7031, Legal Services
- Part 7032, Grievance Program
- Part 7039, Fire Prevention and Safety

**Wayne County Jail**

**Follow up compliance status assessment conducted for the following:**

- Part 7003, Security and Supervision
- Part 7013, Classification

**Westchester DOC/Westchester Penitentiary**

**Compliance Assessment conducted for the following:**

- Part 7002, Admissions
- Part 7003, Security and Supervision
- Part 7004, Correspondence
- Part 7007, Good Behavior Allowance Against Definite Sentences & Civil Commitments
- Part 7009, Food Services
- Part 7013, Classification
- Part 7015, Sanitation
- Part 7017, Personnel Standards
- Part 7022, Reportable Incidents
- Part 7024, Religion
- Part 7025, Packages
- Part 7031, Legal Services
- Part 7032, Grievance Program
- Part 7039, Fire Prevention and Safety
- Part 7040, Maximum Facility Capacity
- Part 7050, Variances
- Part 7051, Funeral and Deathbed Visits

**Follow up compliance status assessment conducted for the following:**

- Part 7002, Admissions
- Part 7003, Security and Supervision
- Part 7004, Correspondence
- Part 7013, Classification

Part 7025, Packages  
Part 7028, Exercise  
Part 7031, Legal Services  
Part 7051, Funeral and Deathbed Visits

**Wyoming County Jail**

**Follow up compliance status assessment conducted for the following:**

Part 7003, Security and Supervision  
Part 7006, Discipline  
Part 7007, Good Behavior Allowance Against Definite Sentences & Civil Commitments  
Part 7008, Visitation  
Part 7009, Food Services  
Part 7013, Classification  
Part 7016, Commissary  
Part 7024, Religion  
Part 7028, Exercise  
Part 7031, Legal Services  
Part 7039, Fire Prevention and Safety  
Part 7040, Maximum Facility Capacity  
Part 7041, Staffing Requirements

JJDPA Compliance Assessment

**Yates County Jail**

**Compliance Assessment conducted for the following:**

Part 7002, Admissions  
Part 7003, Security and Supervision  
Part 7013, Classification  
Part 7015, Sanitation  
Part 7017, Personnel Standards  
Part 7032, Grievance Program

**Follow up compliance status assessment conducted for the following:**

Part 7003, Security and Supervision  
Part 7013, Classification  
**New York City Department of Correction**

**George Motchen Detention Center**

**Compliance Assessment conducted for the following:**

Part 7003, Security and Supervision  
Part 7004, Correspondence  
Part 7009, Food Services  
Part 7013, Classification  
Part 7015, Sanitation  
Part 7022, Reportable Incidents  
Part 7023, Access to Media  
Part 7024, Religion  
Part 7025, Packages  
Part 7026, Printed Materials and Publications

Part 7039, Fire Prevention and Safety  
Part 7050, Variances  
Part 7063, Chemical Agents

JJDPA Compliance Assessment

**George R. Vierno Center**

**Compliance Assessment conducted for the following:**

Part 7003, Security and Supervision  
Part 7004, Correspondence  
Part 7009, Food Services  
Part 7013, Classification  
Part 7015, Sanitation  
Part 7022, Reportable Incidents  
Part 7023, Access to Media  
Part 7024, Religion  
Part 7025, Packages  
Part 7031, Legal Services  
Part 7039, Fire Prevention and Safety  
Part 7050, Variances  
Part 7063, Chemical Agents

**Follow up compliance status assessment conducted for the following:**

Part 7003, Security and Supervision  
Part 7015, Sanitation  
Part 7039, Fire Prevention and Safety  
Part 7063, Chemical Agents

JJDPA Compliance Assessment

**Manhattan Detention Center**

**Compliance Assessment conducted for the following:**

Part 7003, Security and Supervision  
Part 7004, Correspondence  
Part 7009, Food Services  
Part 7013, Classification  
Part 7015, Sanitation  
Part 7022, Reportable Incidents  
Part 7023, Access to Media  
Part 7024, Religion  
Part 7025, Packages  
Part 7031, Legal Services  
Part 7039, Fire Prevention and Safety  
Part 7050, Variances  
Part 7063, Chemical Agents

**Follow up compliance status assessment conducted for the following:**

Part 7009, Food Services  
Part 7039, Fire Prevention and Safety

JJDPA Compliance Assessment

**Otis Bantum Correctional Center**

**Compliance Assessment conducted for the following:**

- Part 7002, Admissions
- Part 7003, Security and Supervision
- Part 7004, Correspondence
- Part 7009, Food Services
- Part 7013, Classification
- Part 7015, Sanitation
- Part 7022, Reportable Incidents
- Part 7023, Access to Media
- Part 7024, Religion
- Part 7025, Packages
- Part 7031, Legal Services
- Part 7039, Fire Prevention and Safety
- Part 7050, Variances
- Part 7063, Chemical Agents

**Follow up compliance status assessment conducted for the following:**

- Part 7002, Admissions
- Part 7003, Security and Supervision
- Part 7015, Sanitation
- Part 7039, Fire Prevention and Safety

JJDPa Compliance Assessment

**Rose M. Singer Center**

**Compliance Assessment conducted for the following:**

- Part 7003, Security and Supervision
- Part 7004, Correspondence
- Part 7009, Food Services
- Part 7013, Classification
- Part 7015, Sanitation
- Part 7022, Reportable Incidents
- Part 7023, Access to Media
- Part 7024, Religion
- Part 7025, Packages
- Part 7039, Fire Prevention and Safety
- Part 7050, Variances
- Part 7063, Chemical Agents

**Follow up compliance status assessment conducted for the following:**

- Part 7003, Security and Supervision
- Part 7009, Food Services
- Part 7015, Sanitation
- Part 7031, Legal Services
- Part 7039, Fire Prevention and Safety
- Part 7050, Variances
- Part 7063, Chemical Agents

JJDPa Compliance Assessment

**Vernon C. Bain Center**

**Compliance Assessment conducted for the following:**

- Part 7003, Security and Supervision
- Part 7004, Correspondence
- Part 7009, Food Services
- Part 7013, Classification
- Part 7015, Sanitation
- Part 7022, Reportable Incidents
- Part 7023, Access to Media
- Part 7024, Religion
- Part 7025, Packages
- Part 7031, Legal Services
- Part 7039, Fire Prevention and Safety
- Part 7050, Variances
- Part 7063, Chemical Agents

**Follow up compliance status assessment conducted for the following:**

- Part 7003, Security and Supervision
- Part 7009, Food Services
- Part 7015, Sanitation
- Part 7031, Legal Services
- Part 7039, Fire Prevention and Safety
- Part 7063, Chemical Agents

JJDPa Compliance Assessment

**West Facility**

**Compliance Assessment conducted for the following:**

- Part 7003, Security and Supervision
- Part 7004, Correspondence
- Part 7009, Food Services
- Part 7013, Classification
- Part 7015, Sanitation
- Part 7022, Reportable Incidents
- Part 7023, Access to Media
- Part 7024, Religion
- Part 7025, Packages
- Part 7031, Legal Services
- Part 7039, Fire Prevention and Safety
- Part 7050, Variances
- Part 7063, Chemical Agents

**Follow up compliance status assessment conducted for the following:**

- Part 7003, Security and Supervision
- Part 7009, Food Services
- Part 7031, Legal Services
- Part 7039, Fire Prevention and Safety
- Part 7063, Chemical Agents

JJDPa Compliance Assessment

## County Facility Reportable Incidents

In fulfilling its oversight and regulatory responsibilities, the Commission requires that all local correctional facilities report incidents of an unusual nature which endanger inmates or staff, or disrupt facility operations. **The Commission received received 2150 categories of Reportable Incidents from the county jail system** this past year. Incident reports are received around the clock. Every incident report is screened by a Correctional Facility Specialist, logged, and assigned a file number. The reports are then reviewed to determine the necessary level of inquiry or other response.

<b>Table I: 2011 County Correctional Facilities Reportable Incidents</b>	
<b>CATEGORY</b>	<b># INCIDENTS</b>
Inmate on Inmate Assault	326
Inmate Group Action	3
Inmate/Personnel Assault	92
Inmate on Inmate Assault (Sexual)	5
Individual Inmate Disturbance	701
Minor Disturbances	297
Major Disturbance	5
Maintenance/Service Disruption	5
Inmate Introduced Contraband	288
Visitor Introduced Contraband	66
Personnel Introduced Contraband	2
Unknown Source Contraband	51
Suicides (County)	12
Inmate Deaths (non-suicide)	14
Suicide (NYC DOCS)	1
Suicide (NYPD)	1
Attempted Suicide	111
Accidental Inmate Physical Injury	62
Self-inflicted Injury	71
Personnel Accidental Injury	1
Escape (County)	2
Escape (Other agency)	2
Attempted Escape (County)	9
Attempted Escape (Other agency)	4
Fire (Arson)	1
Fire (Non-Arson)	2
Firearm Discharge	1
Hostage Situation	1
Abscondence	1

<b>Table I: 2011 County Correctional Facilities Reportable Incidents</b>	
Natural or Civil Emergency	2
Miscellaneous	11
<b>TOTAL</b>	<b>2150</b>

### **Office of Children and Family Services' Facility Reportable Incidents**

Pursuant to New York State Correction Law, §§45 [6-b] and 47 [2], the five (5) secure centers operated by the Office of Children and Family Services (OCFS) are required to report to the State Commission of Correction all incidents deemed to be of a serious or potentially problematic nature. **In 2011 the Commission received 321 separate incident reports from the OCFS Secure Centers.** Reports are taken twenty-four hours a day, seven days a week by Commission staff. Each individual report is reviewed by a Facility Specialist, assigned a tracking number and logged in the Commission's incident data base. In many cases OCFS incidents involve more than one category type. For example, an incident reported by OCFS as a "major disturbance", may also have involved a "resident on resident assault" or "resident group action." Although not counted below, when such multiple incidents are identified, Commission staff record them individually in order to ensure that all such serious incidents are properly recorded and tracked. Following this initial review, the Commission then determines if additional information should be gathered or if the incident merits an on-site investigation. The figures below represent only the primary category as reported in 2011 to the State Commission of Correction by OCFS officials.

<b>Table II: 2011 OCFS Secure Center Reportable Incidents</b>	
<b>CATEGORY</b>	<b># INCIDENTS</b>
Alleged Child Abuse	5
Assaults	96
Major Service Disruption	13
Resident Group Action	1
Employee Misconduct	2
Major Disturbance	15
Contraband	51
Suicides	0
Attempted Suicide	1
Serious Accidental Resident Injury	7
Self-inflicted Injury	3
Attempted Escape	0
Miscellaneous	129
<b>TOTAL</b>	<b>321</b>

## Local Police Agencies' Reportable Incidents

Pursuant to Correction Law, §45[6], local police departments operating lockups are required to report to the Commission those incidents deemed to be of an unusual nature which may endanger detainees, law enforcement staff, or otherwise disrupt facility operations. In 2011, the Commission received 683 reportable incidents from local police agencies. Reportable incidents are received around the clock. Every incident report is reviewed by a Facility Specialist, assigned a tracking number and logged. Based upon the initial review, it is then determined if additional inquiry, technical assistance, or an on-site investigation is necessary.

Table III: 2011 Local Police Reportable Incidents	
CATEGORY	# INCIDENTS
Suicides	0
Attempted Suicide	22
Detainee to Hospital	492
Miscellaneous	169
<b>TOTAL</b>	<b>683</b>

## Complaints

On a daily basis, complaints from inmates, their families, advocates, and other state and local agencies are received by the Commission. In 2011, 2097 complaint letters were received by the State Commission of Correction from, or on behalf of, state and county inmates.

When complaints are received, they are classified, electronically logged, and screened for grievable issues. Many county complaints are grievable at the facility level, and such complaints are returned to the sender for filing with the facility grievance program. Those retained are referred to a Correctional Facility Specialist for response. Sensitive or seriously problematic complaints are referred directly to the field supervisor for special handling. Health complaints are referred to the Forensic Medical Unit. Electronic query reports of complaints by classification are used for preparation for site visits.

Beginning in 1984, the Commission developed a procedure for the centralized compilation of inmate complaints from state and local facilities. This procedure breaks down complaints into discrete categories, and allows Correctional Facility Specialists to address specific problems and trends in a systematic fashion. Inmates often report multiple issues within a single piece of correspondence. **In 2011, inmates addressed 2563** individual categories of issues when writing to the Commission. The numbers reported below represent the categories of issues raised by the inmate in 2011.

**Table IV** is a summary of state and local facility complaint categories received in **2011**.

<b>Table IV</b>	<b>State Complaints</b>		<b>Local Complaints</b>
<b>CATEGORY</b>	<b>Total</b>	<b>CATEGORY</b>	<b>Total</b>
Commissary	2	Commissary	3
Correspondence	31	Correspondence and Telephone	27
Discipline Procedures	152	Discipline	24
Facility Transfer / Classifications	69	Classification	6
Food Service	16	Food Service	14
Inmate Housing	11	Inmate Housing	4
Liaison Committee and Grievances	95	Grievance Program	157
Inmate Records	7	Legal Services	29
Legal Services and Parole	38	Medical Services	138
Medical Services	453	Personal Hygiene	11
Personal Hygiene	28	Personal Safety	53
Physical Plant Conditions	38	Physical Plant Conditions	38
Programs and Counseling	46	Programs	8
Property and Packages	48	Property and Packages	16
Personal Safety	267	Religion	10
Religion	15	Security and Supervision	2
Security and Supervision	4	Staff Conduct	129
Staff Conduct	526	Visits	10
Visits and Family Reunion Program	27	Work Programs and Job Assignments	2
Work Programs/Job Assignments	9		
<b>TOTAL</b>	<b>1882</b>	<b>TOTAL</b>	<b>681</b>

## **Grievances**

According to the Commission’s Minimum Standards, 9 NYCRR Part 7032, each county correctional facility is required to establish, implement and maintain a formal inmate grievance program. This program allows inmates a process at the facility level to address their complaints regarding written or unwritten facility policies, procedures, rules, practices, programs, or the action or inaction of any person within the facility. If a grievance is denied at the facility level, inmates have the option to appeal that disposition to the Commission within a specified time frame. Appeals are forwarded to the Commission for review and disposition by the Citizen’s Policy and Complaint Review Council (CPCRC). **During 2011, the Commission handled 1679 grievances that contained 1696 categories of allegations. (See Table III).** When grievances

are appealed to the Commission, they are screened for proper form, categorized, electronically filed, and converted into a working file. The grievances are then sorted by geographic region, and forwarded to the appropriate Correctional Facility Specialist. Grievances that involve health care issues are forwarded directly to the Forensic Medical Unit for processing. The grievances are thoroughly reviewed and researched by the Correctional Facility Specialist, the Deputy Director of Operations, and the Commission's Office of Counsel. Grievances are then put before the CPCRC for final disposition. All grievances going before the CPCRC receive written responses to both the inmate and the facility. As with complaints, query reports of grievances by classification are produced in preparation for site visits.

**Table V lists the Grievance categories for 2011.**

<b>Table V: County Facility Grievances, By Category 2011</b>	
<b>CATEGORY</b>	<b># GRIEVANCES</b>
Staff Conduct	311
Medical Services	432
Legal Services	150
Classification	7
Food Service	168
Inmate Housing	61
Grievance Program	47
Inmate Records	9
Discipline Procedures	72
Personal Safety	7
Correspondence and Telephone	71
Jail Conditions	41
Property and Package Room	91
Personal Hygiene	73
Visiting	38
Programs	8
Commissary	31
Security and Supervision	10
Religion	62
Loss Of Good Time	1
Too Vague to Classify	6
<b>TOTAL</b>	<b>1,696</b>

## **Capacity Management**

At the end of 2011, there were approximately 84,000 persons incarcerated within New York State's prisons, local county jails and the New York City Department of Correction (NYCDOC). As a result, inmate capacity management within various facilities can be problematic due to overcrowding. The Commission continually monitors the capacities of these facilities, via a daily electronic population reporting system for county facilities, and via facsimile for New York City and state prisons. The latter is also utilized to monitor the census of all county-sentenced inmates scheduled for transfer to a state facility. In 2011 SCOC revised the Maximum Facility Capacity at three county jails, three NYS Department of Corrections and Community Supervision (DOCCS) facilities; five NYS Office of Children and Family Services (OCFS) secure centers and one NYCDOC facility.

When capacity issues arise, the Commission employs its statutory authority under Correction Law section 504 to move local prisoners from overpopulated facilities to those with available housing. The Commission's authority to set facility prisoner capacities allows it to evaluate and approve temporary or interim space in crowded local facilities. This authority also allows the Commission to authorize double-bunking and double-celling programs in the DOCCS.

### **Double-Bunking, Double-Celling, & Special Housing: NYS DOCCS**

By the beginning 2012, double-bunk cells within the NYS DOCCS had been reduced to 116 beds in just two facilities. This total is down from 255 in six facilities during most of 2011. In addition, the Commission has sanctioned the use of an additional 1,400 cells, located in seven 200-bed housing areas, designated as S-Blocks, or Special Housing Units, in which each cell is permanently approved to house two individuals.

During the 2011 reporting period, Commission staff conducted site visits to all six facilities with double-bunk variances. These site visits involved the inspection of each double-bunked housing area, in which the general physical condition of the space and the condition and operation of any equipment was examined. In addition, SCOC staff noted the degree to which normal inmate services were impacted by double-bunking, such as medical, dental, food services, visitation, laundry services and the availability of academic and vocational programs.

Commission staff will conduct site visits to the two remaining facilities prior to the Commission's consideration to extend this variance in 2012.

### **Variances**

This aspect of the Capacity Management program primarily grants authority to state and local correctional administrators to safely and securely house inmates in excess of facility capacity. Variance relief also assists jail administrators with problems such as an inability to achieve compliance with certain minimum standards within a certain time frame, or a need to employ alternative methods of compliance not contemplated by Commission Minimum Standards. According to this procedure, facility administrators may apply to the State Commission of

Correction for the purpose of seeking relief from the requirements of a specific standard. All such applications result in site visits for the purpose of assessing the need for such a variance and to determine the possible impact the variance could have on the facility's current operation. All variances are tracked by the Commission's Field Operations staff. Operational areas of a facility operating under an approved variance granted by the State Commission of Correction are routinely assessed by field staff during facility site visits.

During 2011, Commission staff continued to evaluate areas which required variance relief, in addition to preparing written variance recommendations for Commission consideration. For the year 2011, the Commission reviewed a total of sixty-two applications to extend existing variances. In addition, four new variance applications were considered in 2011, of which three were denied. At year's end, there were 61 active variances in effect in county jails and state facilities in New York State. Those variances breakdown as follows:

**Active Variances in County and State Facilities as of December 31, 2011**

<b>Standard</b>	<b>Total Variances</b>
<b>Maximum Facility Capacity (Part 7040)</b>	<b>28</b>
<b>Possession of Prescription Drugs (Part 7010 Waiver)</b>	<b>13</b>
<b>Over the Counter Medication Sold in Commissary</b>	<b>11</b>
<b>Law Library (Part 7031)</b>	<b>5</b>
<b>Inmate Exercise (Part 7028)</b>	<b>2</b>
<b>Commissary (Part 7016)</b>	<b>1</b>
<b>Maximum Facility Capacity (Part 7621 State Correctional Facility)</b>	<b>1</b>

**Facility Planning and Improvement**

The basic function relegated to Facility Planning and Improvement is set forth in two areas of New York State Law. According to NYS Correction Law, Section 45(10), the State Commission of Correction shall “approve or reject plans and specifications for the construction or improvement of correctional facilities.” The second area is found in County Law, Section 216. This statute states that “no site or location for any county jail shall be selected or acquired by such board of supervisors which shall not have been approved by the state commission of correction.” The Commission provides technical planning, capital project development and construction plan review services for development of new correctional facilities. The Commission has viewed the modernization of an aging and overcrowded local correctional infrastructure as a major priority. The agency reviews and approves site selection and construction plans, monitors progress, and assists in problem identification and solution. In carrying out these responsibilities, the staff responsibility goes far beyond the simple review of blueprints and plans. Particular attention is directed to building code requirements, operational rules and regulations, and case law affecting conditions of confinement. Additionally, Commission staff provides local decision makers with technical assistance to help assure the jurisdiction of satisfactory, safe and secure methods of incarcerating offenders in a cost effective manner.

During 2011, findings and determination reports relative to construction plans and specification were prepared by Commission staff and forwarded with recommended action on twenty-three (23) projects variously submitted by state or county correctional facilities, police/court detention units, New York City Department of Correction (NYCDOC) and Office of Children and Family Services (OCFS) institutions. Those projects were as follows:

	<b>Jan-11</b>
CJ	CATTARAUGUS COUNTY JAIL SECURITY AND CONTROL SYSTEM IMPROVEMENTS
PD	CITY OF ITHACA POLICE DEPARTMENT RENOVATION PROJECT
	<b>Feb-11</b>
	NO CONSTRUCTION PROJECTS WERE CONSIDERED AT THE FEBRUARY 2011 COMMISSION MEETING
	<b>Mar-11</b>
CJ	COLUMBIA COUNTY JAIL REPLACE EXISTING ELECTRONIC CONTROL SYSTEM
NYC DOC	ROSE M. SINGER CENTER 800 BED EXPANSION
	<b>Apr-11</b>
NYS DOCCS	ATTICA CORRECTIONAL FACILITY UPGRADE RENOVATIONS BUILDING 17
NYC DOC	ROSE M. SINGER CENTER EVACUATION CONTAINMENT 800 BED EXPANSION CONSTRUCTION
COURTS	BRONX FAMILY COURT

	RENOVATIONS
PD	SLEEPY HOLLOW POLICE DEPARTMENT LOCK UP RENOVATIONS
	<b>May-11</b>
PD	BUFFALO POLICE DEPARTMENT NEW CONSTRUCTION
COURTS	COLUMBIA COUNTY COURT HOUSE NEW CONSTRUCTION
CJ	MONROE COUNTY JAIL WINDOW REPLACEMENT AND RENOVATION
	<b>Jun-11</b>
	NO CONSTRUCTION PROJECTS WERE CONSIDERED AT THE JUNE 2011 COMMISSION MEETING
	<b>Jul-11</b>
NYC DOC	BROOKLYN HOUSE OF DETENTION RENOVATIONS TO SECOND FLOOR
CJ	MONROE COUNTY CORRECTIONAL FACILITY COMBINING HOUSING AREAS
	<b>Aug-11</b>
NYC DOC	ANNA M. KROSS CENTER RECREATION PENS/PUNITIVE SEGREGATION UNITS 6 & 8 LOWER
OCFS	COLUMBIA GIRLS SECURE CENTER TEMPORARY CONTROL ROOM MODIFICATIONS
	<b>Sep-11</b>
NYC DOC	GEORGE R. VIerno CENTER SHOWER RENOVATIONS
NYC DOC	OTIS BANTUM CORRECTIONAL CENTER (OBCC) SHOWER RENOVATIONS
	<b>Oct-11</b>
CJ	ERIE COUNTY HOLDING CENTER GYMNASIUM CONVERSION RENOVATION
PD	NASSAU COUNTY POLICE DEPARTMENT 1 <sup>ST</sup> PCT NEW CONSTRUCTION
	<b>Nov-11</b>
	NO CONSTRUCTION PROJECTS WERE CONSIDERED AT THE NOVEMBER 2011 COMMISSION MEETING
	<b>Dec-11</b>
PD	LANCASTER POLICE DEPARTMENT NEW CONSTRUCTION
CJ	HERKIMER COUNTY JAIL BID PACKAGE (PRE CAST CONCRETE MODULAR CELLS)
CJ	JEFFERSON COUNTY JAIL CONSTRUCTION OF NEW WEAPON STORAGE AREA
PD	GARDEN CITY PARK POLICE DEPARTMENT RENOVATION

## **New Institutions Transition Assistance Program (NITAP)**

Through its New Institutions Transition Assistance Program (NITAP), Commission technical assistance teams work closely with localities constructing new correctional facilities or additions to existing facilities. Such assistance includes policy and procedure reviews, staff training, reviews of moving logistics plans, on-site monitoring of inmate transfers and post-transition jail operations. During the new facility transition process, the Commission establishes formal liaisons with county executives and managers, legislative public safety committees, and county sheriffs. The Commission and its staff meet regularly with all involved officials, correctional facility executive teams and facility transition staff to assess transition-related progress to ensure that new institutions are opened and operated in a safe, efficient, and cost-effective manner.

### **2011 NITAP PROJECTS**

Herkimer County	The Commission continued to work with county officials in their efforts in planning for a new county correctional facility. The Commission provided technical assistance in the designs of the new facility. As of this writing, on-going litigation with the Village of Herkimer has delayed the process.
Suffolk County	The Commission continued to provide technical assistance to the county as they prepare for the eventual opening (late 2012 or early 2013) of a new 400+ bed addition.
Buffalo PD	The Commission continued to work with the Buffalo Police Department as construction commenced on a new lockup detention facility. Prior to construction, the Commission provided technical assistance in the design of the lockup as well as a transition plan to assist in the department's efforts.
Cheektowaga PD	The Commission continued to work with the Cheektowaga Police Department as construction commenced on a new lockup detention facility as part of an expansion project which included new city court rooms. Prior to construction, the Commission provided technical assistance in the design of the lockup as well as a transition plan to assist in the department's efforts.
Lancaster PD	The Commission provided technical assistance in the design of the new Lancaster Police Department lockup facility. Construction is scheduled to commence in July 2012, with an anticipated opening in fall 2013.

### **Staffing Services**

Commission Minimum Standards, 9 NYCRR Part 7041, Staffing Requirements, provide that the Commission shall determine the minimum number of staff necessary to operate each correctional facility in New York. Upstate county jails and New York City correctional facilities are unique institutions with wide variation in size, age, and configuration. Each must be staffed at a cost-effective level which provides for adequate levels of inmate supervision and for staff and public safety. The Commission provides the correctional staffing services for all county correctional facilities and more recently, for the City of New York. Commission staffing specialists travel to facilities upon local government request, and to all newly constructed facilities. The staffing assessment is based on specific correctional functions, physical plant configuration, inmate population trends, and other factors unique to a particular correctional facility. Detailed guidelines direct staff in developing a facility staffing plan. A proposed minimum institutional position and staffing analysis is prepared, and then negotiated to consensus with county legislative officials, the county executive and the sheriff. The Commission affords timely security staffing expertise not available in localities, eases the local criminal justice budget process and promotes local government confidence in the safety of widely disparate facilities.

During the 2011 reporting period the revision of six staffing analyses were finalized by Field Operations staff:

- Franklin County Jail
- Livingston County Jail
- Monroe County Jail
- Oneida County Jail
- Rockland County Jail
- Schoharie County Jail

### **Technical Assistance**

During the course of field evaluations, Commission staff frequently renders technical assistance to facility administrators in order to resolve any number of problems. Generally, the assistance involves policy and procedures review, standards interpretation, referrals to other agencies, training issues, development of operational procedures, modifications or improvements to physical plant and implementation strategies. Staff record significant technical assistance contacts so that the data can be used to identify future projects.

While Commission staff provided facilities with hundreds of hours of technical assistance in 2011, the following is a list of counties and the operational issues for which Commission staff provided officials with technical assistance.

#### **Albany County Correctional Facility**

Construction of Mental Health Annex (Part 7002, Construction and Renovation)  
Revised Facility Capacity (Part 7040, Maximum Facility Capacity)

**Allegany County Jail**

Use of Oleoresin Capsicum (Part 7063, Chemical Agents)

**Cattaraugus County Jail**

Installation of new security and control system

**Chautauqua County Jail**

Revised facility capacity (Part 7040, Maximum Facility Capacity)

**Chemung County Jail**

Temporary lockdown of the facility

**Clinton County Jail**

Use of restraint chair

**Columbia County Jail**

Upgraded electronic control system

Construction of courthouse holding area

**Dutchess County Jail**

Discussion and technical assistance regarding future construction

Identifying acceptable constant observation locations

**Erie County Holding Center/Erie County Penitentiary**

Revision of the inmate rulebook

Review of the requirements and implementation of constant observation

Consideration of Gym Conversion

Erie Penitentiary Variance Beds

Use NYS DOCCS' Buffalo Work Release Facility.

On-site assistance with the revision of each facility's staffing analysis

**Franklin County Jail**

Comprehensive review and assessment of the facility's staffing needs

Emergency Overcrowding Approval

Construction Project – Windows

Review and Assessment of Staffing Needs

**Hamilton County Jail**

Space for providing outdoor exercise

Law library variance

**Herkimer County Jail**

County's ongoing planning for the construction of new facility

Cell package approval

Reinstatement of variance regarding the size of the facility's inmate outdoor exercise area

**Jefferson County Jail**

Location and design of a new facility armory  
Staffing compliance

**Lewis County Jail**

Analysis of facility staffing data coverage  
Grievance procedures

**Livingston County Jail**

Maximum facility capacity revisions  
Double Ceiling request Compliance with revised staffing  
Housing of female inmates

**Madison County Jail**

Staffing compliance

**Monroe County Jail and Correctional Facility**

Window Project Approval  
Phase II Construction Approval  
Preliminary investigation of alleged sexual assault

**Nassau County Correctional Facility**

Request for SCOC staff to tour A Building  
Long term open violations  
New medical services contractor  
Removal of substitute jail order cap  
Appointment of new Deputy Undersheriff & Jail CAO

**New York City Department of Correction**

Department's future central booking design  
Implementation of the Department's revised inmate classification system

**Niagara County Jail**

Proposal submitted for renovation to visitation room

**Ontario County Jail**

Determining future space needs  
Request for co-mingling  
Space reallocation proposal submitted (Constant Observation)

**Oneida County Jail**

SCOC issuance of staff hiring plan to county  
County's submission of hiring plan revisions  
Reducing substitute jail order restrictions  
Staffing reductions

**Onondaga Justice Center**

Request submission for revisions to staffing requirements associated with variance 02-V-06  
Constant observation procedures  
Re-design of central control  
Grievance procedures

**Onondaga County Penitentiary**

Sentence calculation

**Orange County Jail**

Policy regarding the use of suicide smocks

**Orleans County Jail**

Operation of the facility's detention lockup  
Replacement of the facility's water tank  
Requirements for compliance with Part 7013, Classification

**Oswego County Jail**

Classification policy revisions

**Rockland County Jail**

Compliance issues with the current staffing analysis

**Saratoga County Jail**

Proper implementation of constant supervision

**Schoharie County Jail**

Operation of a detention area  
Schoharie County's declared state of emergency  
Temporary relocation of jail booking operation

**Seneca County Jail**

Regarding food service use of inmate labor  
County proposal to modify staffing coverage

**Steuben County Jail**

Request for staffing analysis update

**Suffolk County Jail**

Construction windows  
Visitation room changes  
Staff hiring plan and related capacity limits

**Tioga County Jail**

Removal of inmate mattresses

### **Washington County Jail**

Use of inmate labor for community garden

### **Wayne County Jail**

Locations for constant watch

### **Westchester County Jail and Penitentiary**

County's proposed adjustment to current staffing analysis

### **Wyoming County Jail**

Overcrowding management

## **Information Management**

The Commission is the only central repository for local correctional information in New York State. The Commission provides electronic and retrospective management information to assist local correctional administrators. The Jails Daily Population Reporting System reports inmate population counts in all local facilities each day through the eJustice Portal. The Commission also tracks New York City population levels, parole violators and "state-ready" inmates in jails. The Sheriffs' Annual Report provides comprehensive data from sheriffs on admissions, discharges and inmate demographics. SCOC works with the Rockefeller Institute of Government in that organization's preparation of its annual publication of public safety and criminal justice statistics.

## **Compliance Monitoring for Handling and Processing of Juveniles**

In 2011 the State Commission of Correction continued to monitor the manner in which local and county law enforcement agencies detained and processed juveniles in custody. The results of the Commission's work served to affirm New York State's compliance with the requirements of the Juvenile Justice and Delinquency Prevention Act 2002 (JJJPA). By exhibiting conformity with the federal legislation, local jurisdictions are assured of their continued eligibility for the monetary anti-crime assistance provided the federal government. JJJPA grant funding remains a major source of support for local juvenile crime prevention programs targeting youth under the age of criminal responsibility in New York State. The Commission continues to monitor a universe of approximately 500 agencies operating lockups in the state. These locations are all subject to on-site monitoring by Commission staff. In 2011, the Commission is planning to include Family Courts to their monitoring universe of agencies operating a lockup. When fully implemented, this will add at least sixty-two additional monitoring sites to the project. To fulfill its obligation for assessing New York's compliance with the JJJPA 2002, the Commission conducts a visit to every operating lockup in its universe at least once every three years.

In 2011, the Commission provided training to New York State law enforcement personnel through a series of regionally-based, one-day sessions. This aspect of the Commission's JJJPA compliance project was conducted in collaboration with the New York State Police Juvenile Officer's Association.

The State Commission of Correction closely assesses the accuracy and completeness of its lock-up monitoring universe by issuing an annual survey in which it asks agencies to reaffirm their status as either operating or not operating a lock-up. As part of its overall commitment to improving law enforcement's understanding of the laws that apply when a juvenile is in their custody, Commission staff provided hundreds of hours of technical assistance to numerous law enforcement agencies throughout 2011.

### **Chairman's Memoranda**

The Commission is a key player in the delivery of salient correctional management information and education to county correctional facilities. The Chairman's Memorandum, a bulletin that is sent to all county sheriffs and administrators of correctional facilities and police departments, is an efficient vehicle for the delivery of such information. In 2011 the following Memorandums were issued:

- February 14, 2011 – Suicide in County Correctional Facilities and State Prisons
- June 15, 2011 – Health Advisory: Significant Changes to HIV Testing Practices in New York State
- July 13, 2011 – Health Advisory: Penal Law Amendments and NYS Syringe Exchange, Expanded Syringe Access and Opioid Overdose Prevention Programs
- October 27, 2011 – Agreements for Custody of Inmates from Other States
- November 15, 2011 – Revised Suicide Prevention Screening Guidelines and Updated Training Curriculum

### **Special Investigations**

At times, it becomes necessary for field staff to conduct investigations of incidents, complaints and other matters requiring intensive analysis and review. The following is a summary of noteworthy special investigations conducted by Commission staff during the year 2011:

- Erie County - Investigation of Yankee Compound Incident
- Erie County - Investigation of Holding Center reportable incident
- Monroe County - Investigation of alleged sexual assault
- Monroe County - Investigation of the escape of two inmates from the jail
- Niagara County - Investigation into alleged sexual assault
- Ontario County - Investigation Reportable Incident (Restraint Chair)
- Schenectady County - Reportable Incident Investigation
- Washington County - Investigation on Reportable Incident

## **FORENSIC MEDICAL UNIT**

The Forensic Medical Unit is a Field Operations unit within the State Commission of Correction. It is intended to fulfill the health care oversight mandate of Correction Law, Article 3 by providing the SCOC and its Medical Review Board (MRB) with staff expertise in the investigation of inmate mortality, in evaluation of State and local correctional facility health care delivery, and in technical assistance to State and local correctional facilities for the improvement of health care delivery. Technical assistance is regularly provided in the development of health care delivery procedures including tuberculosis control, occupational health and safety, health care staffing, health facility designs and handling of pharmaceuticals among others. Each year a number of New York's jails are visited by trained health care system evaluators. Health care delivery systems are evaluated in each facility, recommendations are made and technical assistance is rendered. The Forensic Medical Unit also presents its cases to the MRB, investigates medical grievances and complaints, and conducts various special investigations as directed by the Commission. This includes the following activities:

- Field mortality investigation;
- Health services evaluation;
- Standards development and compliance;
- Resolution of complaints and grievances;
- Collection and interpretation of data and statistics;
- Development and administration of technical assistance programs; and
- Policy formulation and advice.

### **Mortality Investigations**

The State Commission of Correction's Forensic Unit conducted thirty-one (31) mortality and eleven (11) abridged mortality investigations at the following state and local facilities:

- Nassau CJ
- Downstate CF
- Mohawk CF/Walsh RMU
- Green Haven CF
- Rockland CJ
- Gouverneur CF
- Clinton CF
- Southport CF
- Mid-State CF
- Wende CF
- Anna M. Kross Center
- Bedford Hills CF
- Shawangunk CF
- Dutchess CJ
- Great Meadow CF

- Upstate CF
- Bare Hill CF
- Onondaga Justice Center
- Yates CJ
- New York Police Department 76<sup>th</sup> Precinct
- Erie County Holding Center
- Suffolk CJ
- Monroe CJ
- George R. Vierno Center
- Saratoga Springs PD
- Elmira CF
- Montgomery CJ
- Manhattan Detention Complex
- Auburn CF
- Niagara PD
- New York Police Department 90<sup>th</sup> Precinct

**Health Care Evaluations: Technical Assistance:**

Technical assistance in the form of health services evaluations is usually requested by a county correctional facility and can also be provided subsequent to repeated problems stemming from inadequate health care delivery. During 2011, the following facilities were evaluated for health services and/or offered technical assistance in the health care arena:

Review of Rose M. Singer Center and North Infirmery Command Constant Supervision Areas  
 Ontario County CF Constant Supervision  
 Seneca County CF Staffing  
 Onondaga Penitentiary Constant Supervision

**Training Attended by Forensic Unit Staff:**

Police Juvenile Officers Association Annual Conference  
 Caring for Psychiatric Inmates (Public Service Workshop Program)  
 SCOC Cycle Training  
 Albany Medical Center HIV Teleconferences

**Training Provided by Forensic Unit Staff:**

Conducting pilot training of new suicide prevention curriculum  
 Zone 5 Basic Training, Schenectady  
 Albany PD Suicide Prevention Training  
 Conducted Suicide Prevention TTT at NYC Department of Correction

### **Special Site Visits:**

Brookwood/Columbia OCFS Secure Centers  
Regional Mental Health Unit @ Marcy CF

### **Transition:**

Livingston County/Medical Staffing  
Suffolk CJ/Staffing/Health Services

### **Special Investigations:**

Westchester County Medical/Mental Health Care

### **Monitoring:**

Nassau CJ's Weekly D2D (medical tier)  
Nassau CJ's Weekly BHU Medical  
Suffolk CJ's Weekly BHU Medical

### **Interagency Activities:**

NYSDOCCS, CQC, OMH, NYSP, SCOC re: NYSDOCCS Suicides/Report Processes  
Mental Health Criminal Justice Planning Committee  
Suicide Prevention Revision Committee  
NYSDOCCS Health Services  
DCJS/OMH/SCOC Training Committee  
CQC Meeting/Roles  
NYSDOCCS IG, Review of Mortality Cases  
AIDS Institute/Preventing MTCT HIV  
NYS Sheriffs' Association/AIDS Institute/Preventing MTCT HIV  
NYS Sheriffs' Association/Overview of Medical Review Board

### **Mental Health and Suicide Prevention**

During the 1970's and early 1980's, suicide was the leading cause of death in county jails and preventable suicide emerged as a major source of successful litigation against local government. The Commission, in conjunction with the NYS Office of Mental Health (OMH), researched, developed and obtained federal financing for a state-of-the-art suicide prevention program which has yielded a sustained annual reduction in suicide of more than 70%, despite extraordinary increases in local inmate populations. This program is wholly financed with federal dollars, is nationally recognized and won a statewide productivity award in 1988. The Commission and OMH deliver suicide prevention training to all incoming correction officers, either directly or by offering training to established correctional staff who, in turn, trains their own incoming correction officers. The training conducted for incoming correction officers is an intensive eight hour module.

Beginning in 2010 and throughout 2011, the Commission and OMH completed a comprehensive training curriculum revision, the first revision since 2000. New training manuals, screening guidelines, and videos were produced. An initial pilot training was conducted with county corrections and mental health instructors in June 2011. Two other pilot trainings were conducted in August 2011 at the Correction Officer Basic School at the Zone 5 Academy in Schenectady and in October 2011 at police lockup training at the Albany Police Department. The new curriculum and revised screening guidelines were released in November 2011. The first full instructor course was conducted in December 2011 for the NYC Department of Correction.

**Inmate Mortality During 2011:**

The following table lists the numbers and causes of death for inmates in all correctional facilities in New York State during the year 2011. The Commission receives notice of each of these deaths within 6 hours of occurrence. Each case is separately investigated by the Commission’s Forensic Medical Unit. Problematic cases are investigated in the field, carefully documented, presented to the Medical Review Board and published. In 2011, the Board and Commission published 31 problematic cases in which recommendations to prevent similar recurrence and to improve medical and mental health care were made to correctional facility administrators.

**INMATE DEATHS IN STATE AND LOCAL CORRECTIONAL FACILITIES 2011**

	SUICIDE	AIDS	NATURAL	HOMICIDE	UNKNOWN	OTHER	TOTAL
<b>DOCS</b>	<b>11</b>	<b>5</b>	<b>96</b>	<b>3</b>	<b>2</b>	<b>1</b>	<b>118</b>
<b>COUNTY JAILS</b>	<b>12</b>	<b>1</b>	<b>9</b>	<b>0</b>	<b>3</b>	<b>1</b>	<b>26</b>
<b>NYCDOC</b>	<b>1</b>	<b>0</b>	<b>10</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>12</b>
<b>POLICE LOCKUPS</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>1</b>
<b>NYCPD PRECINCTS</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>
<b>TOTAL</b>	<b>25</b>	<b>6</b>	<b>115</b>	<b>4</b>	<b>6</b>	<b>2</b>	<b>158</b>

## **COUNSEL'S OFFICE**

The Office of Counsel is responsible for the interpretation and analysis of all legal issues related to the work of the Commission. Part of this function includes the coordination of the Commission's legislative program, including the submission and review of legislation affecting the correctional and criminal justice system in New York State. Working with administrators, the Commission has successfully pursued legislation to reduce the number of mandated classification categories in local correctional facilities, to assist in the treatment of mentally ill inmates in local correctional facilities, to facilitate the rapid and accurate transfer of vital medical information between facilities and to add a former correction officer to the membership of the Citizen's Policy and Complaint Review Council. In addition, agency attorneys represent the Commission in litigation related to conditions of confinement such as overcrowding, civil rights, and medical care. Counsel also acts in an enforcement capacity in regard to facility compliance with minimum standards.

In addition to all the above listed functions, Counsel's Office has developed a technical assistance approach to correctional jurisdictions by providing legal opinions to sheriffs and jail administrators.

### **Regulatory Reform**

In 2011, the Commission adopted the amendment of sections 7003.5 and 7003.6 of Title 9 NYCRR to eliminate the requirement for overlapping officer shifts in conducting prisoner population counts.

Further, the Commission amended section 7063.6 of Title 9 NYCRR to extend the intervals within which certain chemical agents must be inspected in county correctional facilities.

Additionally, the Commission, pursuant to State Administrative Procedure Act §207, carried out the required regulatory review of all rules adopted in the calendar years 1996, 2001 and 2006. After publishing notice and an invitation for public comment, said rules were continued without amendment.

### **Legislation Summary**

The following legislative proposals were made to the Governor's Counsel's Office for the 2011-12 session:

- 1.) Amending Correction Law §46 to correct a technical deficiency which may prevent the Commission from obtaining the medical records of certain inmates being treated in outside medical facilities. This proposal became Chapter 232 of the Laws of 2012.

- 2.) Amending Correction Law §42 to improve the functioning of the Citizen's Policy and Complaint Review Council by updating the diversity of its membership.
- 3.) Amending Correction Law §500-b to provide local county jails more flexibility in classification by extending their ability to co-mingle minor and adult inmates in circumstances of overcrowding.
- 4.) Amending subdivisions (3) and (4) of Correction Law §46 to establish venue for enforcement actions brought by the Commission in the county of Albany.

### **Litigation**

In the course of the year, eighteen (18) new cases were opened, seven (7) were closed, and fifty four (54) were pending as of the end of 2011.

By Decision dated February 18, 2011, the Supreme Court of the State of New York, Appellate Division, Fourth Judicial Department, affirmed the prior Order of the Hon. Diane Y. Devlin, Justice of the Supreme Court, Erie County, granting the Commission's petition to enforce a directive, requiring the Erie County Sheriff to remedy certain violations of the Commission's regulations. Specifically, the Commission sought compliance in the areas of maximum facility capacity and proper inmate housing, the issue of prisoner personal hygiene items and bedding, inmate exercise, facility rules/inmate discipline, inmate grievance programs and inmate visitation. On June 7, 2011, the New York State Court of Appeals denied the Erie County Sheriff's motion for leave to appeal.

### **Legal Opinions**

In 2011, Counsel's Office rendered 93 legal opinions by telephone and 16 legal opinions in writing.

### **Freedom of Information Law (FOIL) Requests**

For the year 2011, the Office of Counsel received and responded to 185 Freedom of Information Law (FOIL) requests for records of the Commission of Correction.

### **Juvenile Justice**

In 2011, Counsel's Office continued to conduct legal research and gather other information for the Commission's Administrative and Training Manual for the New York State Juvenile Monitoring Project. Counsel's Office assisted Commission staff in the development and delivery of training to assist local correctional facilities in the handling and processing of juvenile detainees.

## **EPILOGUE**

The Commission continues to strive toward its mission-directed goals. The facility compliance evaluation work is ongoing as the Commission perseveres in its role in fulfilling New York State's public protection mandate.