



**NEW YORK STATE COMMISSION OF CORRECTION
ANNUAL REPORT
2012**

**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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CHAIRMAN
Thomas A. Beilein

COMMISSIONERS
Phyllis Harrison-Ross, M.D.
Thomas J. Loughren

THE HONORABLE ANDREW CUOMO
Governor

THE HONORABLE DEAN G. SKELOS
Senate Majority Leader

THE HONORABLE SHELDON SILVER
Assembly Speaker

THE HONORABLE ANDREA STEWART-COUSINS
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 2012.

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 State 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: Thomas P. Abt
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 that 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 and county correctional facilities, police department detention and facilities in New York City. 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 2012 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 2012 CPCRC members included:

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

**FIELD OPERATIONS MANAGEMENT AND SUPERVISORY
STAFF
2012**

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 2012, 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

Field staff based in both Albany and New York City conducted on-site visits to various state and local correctional facilities. This fieldwork included assessing facility operational compliance with the Commission's minimum standards, monitoring unusual conditions (e.g. disturbances, strikes, job actions, unstable conditions), evaluating management practices, preparing comprehensive reports and providing technical assistance to facility administrators. In the event that issues of non-compliance 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 of their assigned county correctional facilities. The IFP is best described as a 12-month comprehensive facility work plan. This plan can follow several different paths depending upon the compliance status of the particular facility. An IFP may include assessing the compliance of six to twelve standards, or it may call for field staff to focus more intensely on a limited number of standards that have proven problematic for the jail over an extended period. In such circumstances, the onsite work is more concentrated and requires even greater collaboration between field staff and facility officials in order to identify mutually acceptable remedial strategies.

By deploying staff resources in this fashion, the Commission believes it can be more successful in its mission to assist all county facilities in attaining substantial compliance with 9 NYCRR. To ensure that no parts of New York State Minimum Standards are overlooked for extended periods, the Commission's IFP model requires field staff assess each standard once every five years, regardless of the facility's overall compliance status.

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 open and ongoing dialog with facility management throughout the year. Such sustained communication helps to ensure that field staff has an accurate understanding of the day-to-day operational challenges confronting local facility management and staff.

Whenever issues of non-compliance are identified, Commission staff brings their findings to the attention of the sheriff, chief administrative officer or responsible county commissioner. Commission staff prepares reports that outline non-compliance findings and specific remedial action(s) the facility is expected to implement. Staff periodically recommends actions that can help to ameliorate certain operational inefficiencies. Commission staff schedule frequent follow-up site visits to facilities as a means of ensuring that any necessary remedial steps have been properly implemented.

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

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

The following is a list of those county facilities at which Commission staff conducted on-site compliance assessments in 2012, including the specific standards reviewed. Also listed are the notifications of violation issued to county facilities in 2012. These notifications indicate incidents of chronic non-compliance.

Albany County Jail

No compliance activity

Allegany County Jail

Other Activity:

JJDPA Follow-up

Broome County Jail

Compliance Assessment conducted for the following:

- Part 7002, Admissions;
- Part 7003, Security and Supervision
- Part 7004, Correspondence
- Part 7006, Discipline
- Part 7015, Sanitation
- Part 7016, Commissary and Inmate Accounts
- Part 7023, Access to Media
- Part 7025, Packages

Follow up compliance status assessment conducted for the following:

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

Other Activity:

- JJDPA Follow-up:
- First Notice of Violation Part 7003, Security and Supervision & Part 7013, Classification
- Second Notice of Violation Part 7003, Security and Supervision & Part 7013, Classification
- Third Notice of Violation Part 7003, Security and Supervision & Part 7013, Classification

Cattaraugus County Jail

Compliance Assessment conducted for the following:

- Part 7019, Gifts and Gratuities
- Part 7023, Access to Media
- Part 7030, Nondiscriminatory Treatment
- Part 7033, Transfer of Records
- Part 7063, Chemical Agents

Follow up compliance status assessment conducted for the following:

- Part 7002, Admissions
- Part 7015, Sanitation

Other Activity:

- JJDPa Compliance Assessment
- Emergency Overcrowding (3) requests (Correction Law 500-b)

Cayuga County Jail

Compliance Assessment conducted for the following:

- Part 7002, Admissions
- Part 7003, Security and Supervision
- Part 7004, Correspondence
- Part 7005, Prisoner Personal Hygiene
- Part 7009, Food Services
- Part 7013, Classification
- Part 7015, Sanitation
- Part 7025, Packages
- Part 7026, Printed Materials and Publications
- Part 7032, Grievance Program

Chautauqua County Jail

Compliance 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

Follow up compliance status 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

Other Activity:

- Notice of Violation - Unauthorized Double-Celling (Part 7040, Maximum Facility Capacity)

Issuance of Directive Pursuant to Correction Law section 46(4) - (9 NYCRR §§7040.3, 9 7040.4(b), 7040.4(d), 7040.5(a), 7040.5(c).

Facility issue of request for extension of response to Commission Directive – 9 NYCRR Part 7040 violations.

Facility submission of Commission Directive response – 9 NYCRR Part 7040 violations.

Compliance response to Commission Directive ruled unacceptable – 9 NYCRR Part 7040 violations.

Chemung County Jail

Other Activities:

JJDP A Assessment

Chenango County Jail

Other Activities:

JJDP A Assessment

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

Other Activities:

JJDPa Assessment
First Notice of Violation Part 7041, Staffing Requirements

Columbia 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

Other Activities:

JJDPa Assessment

Cortland County Jail

Compliance Assessment conducted for the following:

Part 7003, Security and Supervision
Part 7004, Correspondence
Part 7008, Visitation
Part 7016, Commissary and Inmate Accounts
Part 7017, Personnel Standards
Part 7025, Packages
Part 7026, Printed Materials and Publications
Part 7063, Chemical Agents

Follow up compliance status assessment conducted for the following:

Part 7003, Security and Supervision
Part 7006, Inmate Discipline
Part 7009, Food Services

Other Activity:

JJDPa Compliance Assessment

Delaware County Jail

Compliance Assessment conducted for the following:

Part 7002, Admissions
Part 7006, Discipline

Part 7007, Good Behavior Allowance Against Definite Sentences & Civil Commitments
Part 7013, Classification
Part 7041, Staffing

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 7039, Fire Prevention and Safety
Part 7041, Staffing

Other Activity:

JJDPA Compliance Assessment

Dutchess County Jail

Compliance Assessment conducted for the following:

Part 7002, Admissions
Part 7003, Security and Supervision
Part 7006, Discipline
Part 7008, Visitation
Part 7013, Classification
Part 7015, Sanitation
Part 7032, Grievance Program

Follow up compliance status assessment conducted for the following:

Part 7003, Security and Supervision
Part 7006, Discipline
Part 7008, Visitation
Part 7013, Classification
Part 7032, Grievance Program

Other Activity:

JJDPA Compliance Assessment

Erie County Holding Center

Other Activity:

JJDPA Compliance Assessment

Erie County Correction Facility

Follow-up compliance status assessment conducted for the following:

Part 7002, Admissions
Part 7003, Security and Supervision
Part 7008, Visitation
Part 7009, Food Services
Part 7013, Classification

Part 7028, Exercise
Part 7031, Legal Services

Other Activity:

JJDPA Compliance Assessment

Essex County Jail

Compliance Assessment conducted for the following:

Part 7015, Sanitation
Part 7017, Personnel Standards
Part 7023, Access to Media
Part 7028, Exercise
Part 7030, Nondiscriminatory Treatment
Part 7033, Transfer of Records
Part 7070, Educational Services for Youths

Follow up compliance status 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

Other Activity:

JJDPA Compliance Assessment

Franklin County Jail

Compliance Assessment conducted for the following:

Part 7003, Security and Supervision
Part 7008, Visitation
Part 7013, Classification
Part 7015, Sanitation
Part 7022, Reportable Incidents
Part 7031, Legal Services

Follow up compliance status assessment conducted for the following:

Part 7003, Security and Supervision
Part 7008, Visitation
Part 7006, Inmate Discipline
Part 7013, Classification
Part 7015, Sanitation
Part 7022, Reportable Incidents
Part 7031, Legal Services
Part 7041, Staffing

Other Activity:

Correction Law 500b Emergency Overcrowding Request (3)

JJDPA Compliance Assessment

Fulton County Jail

Compliance Assessment conducted for the following:

- Part 7002, Admissions
- Part 7003, Security and Supervision
- Part 7005, Prisoner Personal Hygiene
- Part 7007, Good Behavior Allowance Against Definite Sentences & Civil Commitments
- Part 7015, Sanitation
- Part 7031, Legal Services
- Part 7063, Chemical Agents

Other Activity:

JJDPA Compliance Assessment

Genesee County Jail

Compliance Assessment conducted for the following:

- Part 7003, Security and Supervision
- Part 7006, Discipline
- Part 7009, Food Services
- Part 7016, Commissary and Inmate Accounts
- Part 7028, Exercise
- Part 7032, Grievance Program
- Part 7039, Fire Prevention and Safety
- Part 7050, Variances

Other Activity:

Inmate Attempted Escape Information Request
JJDPA Compliance Assessment

Greene County Jail

No compliance activity

Hamilton County Jail

Compliance Assessment conducted for the following:

- Part 7002, Admissions
- Part 7003, Security and Supervision
- Part 7005, Prisoner Personal Hygiene
- Part 7007, Good Behavior Allowance Against Definite Sentences & Civil Commitments
- Part 7015, Sanitation
- Part 7031, Legal Services
- Part 7063, Chemical Agents

Follow up compliance status assessment conducted for the following:

Part 7002, Admissions

Other Activity:

JJDPa Compliance Assessment

Herkimer 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

Other Activity:

JJDPa Compliance Assessment

Jefferson County Jail

Other Activity:

JJDPa Compliance Assessment

Lewis County Jail

Compliance Assessment conducted for the following:

Part 7003, Security and Supervision
Part 7006, Discipline
Part 7008, Visitation
Part 7013, Classification
Part 7039, Fire Prevention and Safety

Livingston County Jail

No compliance activity

Madison County Jail

Compliance Assessment conducted for the following:

Part 7002, Admissions
Part 7003, Security and Supervision
Part 7005, Prisoner Personal Hygiene
Part 7007, Good Behavior Allowance Against Definite Sentences & Civil Commitments
Part 7008, Visitation
Part 7009, Food Services
Part 7015, Sanitation
Part 7028, Exercise
Part 7040, Maximum Facility Capacity

Follow up compliance status assessment conducted for the following:
Part 7003 - Security and Supervision

Other Activity:
JJDP A Compliance Assessment

Monroe County Jail
No compliance activity

Other Activity:
JJDP A Compliance Assessment

Monroe County Penitentiary
No compliance activity

Other Activity:
JJDP A Compliance Assessment

Montgomery County Jail
Compliance Assessment conducted for the following:

- Part 7002, Admissions
- Part 7003, Security and Supervision
- Part 7004, Correspondence
- Part 7005, Prisoner Personal Hygiene
- Part 7009, Food Services
- Part 7013, Classification
- Part 7015, Sanitation
- Part 7025, Packages
- Part 7026, Printed Materials and Publications
- Part 7032, Grievance Program

Nassau County Correctional Facility
Compliance Assessment conducted for the following:
Part 7015, Sanitation

Niagara County Jail
Follow up compliance status assessment conducted for the following:

- Part 7006, Discipline
- Part 7008, Visitation
- Part 7009, Food Services

Oneida County Jail
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 7023, Access to Media
Part 7024, Religion
Part 7025, Packages
Part 7031, Legal Services
Part 7039, Fire Prevention and Safety
Part 7041, Staffing Requirements

Follow up compliance status assessment conducted for the following:

Part 7003, Security and Supervision
Part 7031, Legal Services

Onondaga Justice Center

Compliance Assessment conducted for the following:

Part 7002, Admissions
Part 7010, Health Services
Part 7013, Classification
Part 7040, Maximum Facility Capacity
Part 7041, Staffing Requirements

Follow up compliance status assessment conducted for the following:

Part 7040, Maximum Facility Capacity

Other Activity:

Notification of Requirement to Report Daily Population
First Notification of Population Cap Enforcement 90% of MFC
Second Notification of Population Cap Enforcement 90% of MFC
Issuance of Request for Population Management Plan
Issuance of Notification of Violation Correction Law §500-c (1) (4)
Issuance of Directive Pursuant to Correction Law section 46(4), Correction Law 500-c (1) (4)
First Approval Correction Law 500-b Co-mingling
Second Approval Correction Law 500-b Co-mingling
Third Approval Correction Law 500-b Co-mingling

Onondaga County Penitentiary

Compliance Assessment conducted for the following:

Part 7003, Security and Supervision
Part 7015, Sanitation
Part 7041, Staffing Requirements

Other Activity:

Issue of Notification of Violation Correction Law §500-c (1) (4)

Ontario County Jail

Compliance Assessment conducted for the following:

- Part 7002, Admissions
- Part 7003, Security and Supervision
- Part 7006, Discipline
- Part 7009, Food Services
- Part 7013, Classification
- Part 7015, Sanitation
- Part 7024, Religion
- Part 7063, Chemical Agents

Other Activity:

- First Approval Correction Law 500-b Co-mingling
- Second Approval Correction Law 500-b Co-mingling

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

Other Activity:

- JJDPA Compliance Assessment
- First Approval Correction Law 500-b Co-mingling
- Second Approval Correction Law 500-b Co-mingling
- Third Approval Correction Law 500-b Co-mingling

Orleans County Jail

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

Oswego County Jail

Compliance Assessment conducted for the following:

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

Part 7004, Correspondence
Part 7005, Prisoner Personal Hygiene
Part 7008, Visitation
Part 7009, Food Services
Part 7013, Classification
Part 7022, Reportable Incidents
Part 7023, Access to Media
Part 7024, Religion
Part 7025, Packages
Part 7028, Exercise
Part 7030, Nondiscriminatory Treatment
Part 7031, Legal Services
Part 7032, Grievance Program
Part 7033, Transfer of Records
Part 7063, Chemical Agents

Otsego County Jail

Compliance Assessment conducted for the following:

Part 7002, Admissions
Part 7003, Security and Supervision
Part 7005, Prisoner Personal Hygiene
Part 7007, Good Behavior Allowance Against Definite Sentences & Civil Commitments
Part 7008, Visitation
Part 7013, Classification
Part 7028, Exercise

Putnam 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 7008, Visitation
Part 7013, Classification
Part 7015, Sanitation
Part 7032, Grievance Program

Follow up compliance status assessment conducted for the following:

Part 7006, Discipline

Rensselaer County Jail

Follow up compliance status assessment conducted for the following:

Part 7003, Security and Supervision
Part 7013, Classification
Part 7016, Commissary and Inmate Accounts
Part 7032, Grievance Program

Rockland County

Compliance 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 7026, Printed Materials and Publications
- Part 7028, Exercise
- Part 7032, Grievance Program

St. Lawrence County Jail

No compliance activity

Saratoga County Jail

Compliance Assessment conducted for the following:

- Part 7008, Visitation
- Part 7015, Sanitation
- Part 7019, Gift and Gratuities
- Part 7023, Access to Media
- Part 7030, Nondiscriminatory Treatment
- Part 7033, Transfer of Record
- Part 7041, Staffing Requirements
- Part 7050, Variances

Other Activity:

JJDPA Follow-up

Schenectady County Jail

Other Activity:

JJDPA Follow-up

Schoharie County Jail

No compliance activity

Schuyler County Jail

Compliance Assessment conducted for the following:

- Part 7002, Admissions
- Part 7003, Security and Supervision
- Part 7004, Correspondence
- Part 7005, Prisoner Personal Hygiene
- Part 7009, Food Services
- Part 7013, Classification
- Part 7015, Sanitation
- Part 7025, Packages

Part 7026, Printed Materials and Publications
Part 7032, Grievance Program

Follow up compliance status assessment conducted for the following:

Part 7002, Admissions
Part 7003, Security and Supervision
Part 7013, Classification
Part 7025, Packages
Part 7026, Printed Materials and Publications

Seneca County Jail

Other Activity:

JJDPA Compliance Assessment

Steuben County Jail

Compliance Assessment conducted for the following:

Part 7002, Admissions
Part 7007, Good Behavior Allowance Against Definite Sentences & Civil Commitments
Part 7009, Food Service
Part 7015, Sanitation
Part 7022, Reportable Incidents
Part 7026, Printed Materials and Publications
Part 7031, Legal Services
Part 7039, Fire Prevention and Safety
Part 7063, Chemical Agents

Other Activity:

First Approval Correction Law 500-b Co-mingling
Second Approval Correction Law 500-b Co-mingling

Suffolk County Jail (Riverhead & Yaphank)

See NITAP Section

Sullivan County Jail

Other Activity:

JJDPA Compliance Assessment

Tioga County Jail

Compliance Assessment conducted for the following:

Part 7002, Admissions
Part 7003, Security and Supervision
Part 7005, Prisoner Personal Hygiene
Part 7007, Good Behavior Allowance Against Definite Sentences & Civil Commitments
Part 7008, Visitation
Part 7028, Exercise
Part 7032, Grievance Program

Tompkins County Jail

Other Activity:

JJDPA Compliance Assessment

Ulster County Jail

Other Activity:

JJDPA Compliance Assessment

Warren County Jail

Compliance Assessment conducted for the following:

- Part 7003, Security and Supervision
- Part 7006, Discipline
- Part 7009, Food Services
- Part 7013, Classification
- Part 7032, Grievance Program
- Part 7041, Staffing Requirements

Washington 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 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

Wayne 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 7008, Visitation
- Part 7015, Sanitation
- Part 7022, Reportable Incidents
- Part 7032, Grievance Program
- Part 7041, Staffing Requirements

Follow up compliance status assessment conducted for the following:

- Part 7002, Admissions
- Part 7003, Security and Supervision
- Part 7022, Reportable Incidents

Westchester DOC/Westchester Penitentiary

Other Activity:

- JJDPa Compliance Assessment

Wyoming County Jail

Compliance Assessment conducted for the following:

- Part 7002, Admission
- Part 7003, Security and Supervision
- Part 7005, Prisoner Personal Hygiene
- Part 7013, Classification
- Part 7022, Reportable Incidents
- Part 7040, Maximum Facility Capacity
- Part 7041, Staffing Requirements

Other Activity:

- JJDPa Compliance Assessment
- Notice of Violation Section 7010.3 Health Services

Yates 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 7008, Visitation
- Part 7015, Sanitation
- Part 7022, Reportable Incidents
- Part 7032, Grievance Program

Follow up compliance status assessment conducted for the following:

- Part 7003, Security and Supervision
- Part 7013, Classification
- Part 7032, Grievance Program

New York City Department of Correction

Eric M. Taylor Center

Compliance Assessment conducted for the following:

- Part 7003, Security and Supervision
- Part 7008, Visitation
- Part 7009, Food Services

Part 7015, Sanitation
Part 7017, Personnel Standards
Part 7026, Printed Materials and Publications
Part 7028, Exercise
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 7002, Admissions
Part 7015, Sanitation

Other Activity:

JJDPa Compliance Assessment

George Motchen Detention Center

Compliance Assessment conducted for the following:

Part 7003, Security and Supervision
Part 7008, Visitation
Part 7009, Food Services
Part 7015, Sanitation
Part 7017, Personnel Standards
Part 7026, Printed Materials and Publications
Part 7028, Exercise
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 7039, Fire Prevention and Safety

George R. Vierno Center

Compliance Assessment conducted for the following:

Part 7003, Security and Supervision
Part 7008, Visitation
Part 7009, Food Services
Part 7015, Sanitation
Part 7017, Personnel Standards
Part 7026, Printed Materials and Publications
Part 7028, Exercise
Part 7032, Grievance Program
Part 7039, Fire Prevention and Safety
Part 7050, Variances
Part 7063, Chemical Agents

Other Activity:

JJDP A Compliance Assessment

Manhattan Detention Center

Compliance Assessment conducted for the following:

Part 7003, Security and Supervision
Part 7008, Visitation
Part 7009, Food Services
Part 7015, Sanitation
Part 7017, Personnel Standards
Part 7026, Printed Materials and Publications
Part 7028, Exercise
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 7009, Food Services
Part 7015, Sanitation
Part 7039, Fire Prevention and Safety

North Infirmery Command

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 Incident
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 7063, Chemical Agents

Otis Bantum Correctional Center

No compliance activity

Robert N. Davoren Center

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 7017, Personnel Standards
- Part 7026, Printed Materials and Publications
- Part 7028, Exercise
- 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 7002, Admissions
- Part 7003, Security and Supervision
- Part 7006, Discipline
- Part 7015, Sanitation
- Part 7031, Legal Services
- Part 7039, Fire Prevention and Safety
- Part 7063, Chemical Agents

Rose M. Singer Center

Compliance Assessment conducted for the following:

- Part 7003, Security and Supervision
- Part 7015, Sanitation
- 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

Vernon C. Bain Center

Compliance Assessment conducted for the following:

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

- Part 7009, Food Service
- Part 7015, Sanitation
- Part 7017, Personnel Standards
- Part 7026, Printed Materials and Publications
- Part 7028, Exercise
- Part 7032, Grievance Program

Follow up compliance status assessment conducted for the following:

- Part 7002, Admissions
- Part 7003, Security and Supervision
- Part 7015, Sanitation
- Part 7031, Legal Services
- Part 7039, Fire Prevention

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

County Facility Reportable Incidents

In fulfilling its oversight and regulatory responsibilities, the Commission requires that all local correctional facilities report incidents that endanger inmates or staff, or disrupt facility operations. **The Commission received 2073 categories of Reportable Incidents from the county jail system** this past year. Incidents are reported 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.

Table I: 2012 County Correctional Facilities Reportable Incidents	
CATEGORY	# INCIDENTS
Inmate on Inmate Assault	490
Inmate Group Action	2
Inmate/Personnel Assault	105
Inmate/Visitor Assault	2
Inmate on Inmate Assault (Sexual)	3
Individual Inmate Disturbance	778
Minor Disturbance	33
Major Disturbance	1
Maintenance/Service Disruption	9
Inmate Introduced Contraband	292
Visitor Introduced Contraband	53
Personnel Introduced Contraband	2
Unknown Source Contraband	35
Suicides (County)	8
Inmate Deaths (non-suicide)	32
Suicide (NYC DOC)	2
Suicide (NYPD)	0
Attempted Suicide	121
Accidental Inmate Physical Injury	42
Self-inflicted Injury	50
Personnel Accidental Injury	0
Escape (County)	1
Escape (Other agency)	0
Attempted Escape (County)	7
Attempted Escape (Other agency)	0
Fire (Arson)	1
Fire (Non-Arson)	2
Fire (Unknown)	1
Firearm Discharge	0
Hostage Situation	0
Abscondence	0
Natural or Civil Emergency	1
TOTAL	2073

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. Reports are received by Commission staff twenty-four hours a day, seven days a week. 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.

Table II: 2012 OCFS Secure Center Reportable Incidents	
CATEGORY	# INCIDENTS
Alleged Child Abuse	30
Assaults	329
Major Service Disruption	16
Resident Group Action	1
Employee Misconduct	11
Major Disturbance	2
Contraband	49
Suicides	0
Attempted Suicide	9
Serious Accidental Resident Injury	3
Self-inflicted Injury	1
Attempted Escape	1
Miscellaneous	292
TOTAL	744

Local Police 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 2012, the Commission received 738 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: 2012 Local Police Reportable Incidents	
CATEGORY	# INCIDENTS
Suicides	0
Attempted Suicide	38
Detainee to Hospital	531
Other	169
TOTAL	738

Complaints

On a daily basis, complaints from inmates, their families, advocates, and other state and local agencies are received by the Commission. In 2012, 2421 individual letters of complaint 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 2012, inmates addressed 4185 individual complaint categories. The numbers below reflect the breakdown of those complaint categories submitted by state and local inmates in 2012.

Table IV is a summary of state and local facility complaint categories received in 2012.

	State Complaints		Local Complaints
CATEGORY	Total	CATEGORY	Total
Visitation	39	Visitation	17
Facility Transfer / Classifications	161	Substitute Jail Order	5
Security and Supervision	11	Security and Supervision	11
Sanitation	9	Sanitation	32
Religion	19	Religion	9
Prisoner Personal Hygiene	29	Prisoner Personal Hygiene	37

Printed Materials and Publications	4	Printed Materials and Publications	2
Personnel Standards	844	Personnel Standards	262
Personal Safety	580	Personal Safety	124
Packages	82	Packages	12
Maximum Facility Capacity	18	Maximum Facility Capacity	5
Legal Services/Law Library	25	Legal Services	45
Inmate Workers	5	Inmate Workers	1
Health Services /Medical Treatment	491	Health Services /Medical Treatment	219
Inmate Grievance Program	151	Inmate Grievance Program	164
Good Behavior	1	Good Behavior	5
Food Services	55	Food Services	60
Exercise	11	Exercise	10
Educational Services	12	Discipline Program	108
Discipline Program	208	Correspondence	26
Correspondence	69	Commissary	17
Commissary	9	Classification	16
Admissions/Reception	10	Admissions/Reception	17
Miscellaneous	133	Miscellaneous	5
TOTAL	2976	TOTAL	1209

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 2012, the Commission handled 1495 grievance allegations. (See Table V).** 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. 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. Both the inmate/grievant and facility officials receive a written decision from the CPCRC for each grievance received. As with complaints, field staff runs a data base report to tabulate the total number of grievances, by category, prior to any scheduled county jail site visit.

Table V lists the Grievance categories for 2012.

Table V: County Facility Grievances, By Category 2012	
CATEGORY	# GRIEVANCES
Visitation	32
Security and Supervision	15
Sanitation	18
Religion	24
Prisoner Personal Hygiene	61
Printed Materials and Publications	2
Personnel Standards	261
Personal Safety	9
Packages	33
Maximum Facility Capacity	4
Legal Services	101
Inmate Workers	3
Health Services /Medical Treatment	431
Inmate Grievance Program	45
Good Behavior	7
Food Services	174
Exercise	15
Educational Services for Youth	6
Discipline Program	66
Correspondence	61
Commissary	30
Classification	38
Admissions/Reception	28
Miscellaneous	31
TOTAL	1,495

Capacity Management

At the end of 2012, 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 2012 SCOC revised the Maximum Facility Capacity at the following facilities:

- Monroe County Jail
- Montgomery County Jail
- Steuben County Jail
- Onondaga County Justice Center
- Onondaga County Penitentiary
- Orange County Jail
- Genesee County Jail
- Franklin County Jail
- Westchester County Jail
- Westchester County Penitentiary
- Westchester County Annex
- Adirondack Correctional Facility
- Beacon Correctional Facility
- Taconic Correctional Facility
- Willard Drug Treatment Center
- Lakeview Shock Correctional Facility
- Moriah Shock Correctional 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
New York State Department of Corrections and Community Supervision (DOCCS)

By the end of 2012, double-bunk cells within the NYS DOCCS had been reduced to 103 beds in just two facilities. In addition, the Commission had 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 2012 reporting period, Commission staff conducted site visits to those 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.

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 in order to seek relief from the requirements of a specific standard. All such applications result in site visits to assess the need for such a variance and 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 2012, Commission staff continued to evaluate areas that required variance relief, in addition to preparing written variance recommendations for Commission consideration. For the year 2012, the Commission considered a total of eighty new or renewed variance applications.

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, "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, 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 2012, 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 the New York State Department of Correction and Community Supervision (NYS DOCCS), county correctional facilities, police/court detention units, or the New York City Department of Correction (NYCDOC). The calendar below lists those projects submitted to the Commission in 2012.

	Jan-12
County Jail	Niagara County Jail Inmate Visitation Room Renovations
	Feb-12
	No construction projects were considered at the February 2012 Commission meeting.
	Mar-12
County Jail	Lewis County Jail Command Console for Jail Watch Area
NYC DOC	West Facility Central Inmate
LOCAL PD	NY/NJ Port Authority One World Trade Center Lockup
	Apr-12
NYC DOC	Vernon C. Bain Center Shower Renovations
	May-12
NYS DOCCS	Groveland Correctional Facility Provide Security Windows, BLG #17 SHU
Village PD	Village of Ocean Beach New Ferry Terminal Lockup Construction
County Jail	Orleans County Jail Capital Improvement Project
County Jail	Rockland County Jail Shower Improvement Project
	Jun-12
	No construction projects were considered at the June 2012 Commission meeting.
	Jul-12
NYS DOCCS	Coxsackie Correctional Facility Rehabilitate Locking System, Building #1 and #2 A&C Blocks
NYS DOCCS	Sing Sing Correctional Facility Replace Locking System "B" Block Building No. 34
	Aug-12
County Jail	Montgomery County Jail Dorm Conversion Project (E-Pod)
NYC DOC	Brooklyn House of Detention Rehabilitation of underground prisoner transit tunnel
NYC DOC	Queens House of Detention ADA Modifications
	Sep-12
Village PD	Village of Canton Police Department Removal of Cell Renovation
County Jail	Erie County Correctional Facility New Boilers Installation Project

County Jail	Chemung County Jail Roof Air Handling Units (AHU) Replacement Project
County Jail	Erie County Yankee Building New Boilers Installation Project
County Jail	Monroe County Correctional Facility Addition and renovation project
NYC DOC	Queens House of Detention 7 th Floor Renovations
NYC DOC	Queens House of Detention Non-contact visitation booths
Oct-12	
No construction projects were considered at the October 2012 Commission meeting.	
Nov-12	
No construction projects were considered at the November 2012 Commission meeting.	
Dec-12	
County Jail	Erie County Correctional Facility Six Bay Security Upgrades Project - Renovation
County Jail	Suffolk County Jail- Riverhead Control Room Renovation, Capital Project #3014

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.

2012 NITAP PROJECTS

- Monroe CJ:** Assisted the Monroe County Sheriff's Office in multiple construction projects at the Monroe County Jail.
- Buffalo PD:** Assisted in the opening of the new lockup.
- Cheektowaga PD:** Assisted in the opening of the new lockup.
- Amherst PD:** Provided assistance to the Amherst Police Department in their efforts to design a new court detention holding area.

- Herkimer CJ:** Continued to work with Herkimer County as they plan for construction of a new county correctional facility. Litigation with the Village of Herkimer continues to delay the start of this project.
- Schoharie CJ:** Continued to work with Schoharie County as they plan to renovate the current county facility structure that was rendered uninhabitable as a result of a hurricane in August 2011
- Rose M. Singer Center** Provided technical assistance for an 800 bed expansion project.
- Brooklyn Detention Center** Provided technical assistance and other support in the development of operational policies in preparation of the opening of this facility.
- Suffolk County Jail** Provided assistance in the county's major policy and procedure rewrite effort, all in anticipation of the Yaphank expansion opening. Commission staff drafted a detailed plan for the gradual opening of the Yaphank expansion while simultaneously closing parts of the old facility and reducing the number of variance beds. Commission staff revisited the staffing levels to allow the county to occupy the new area while remaining staff neutral.

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 that 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 2012 reporting period the revision of six staffing analyses was finalized by Field Operations staff:

- Franklin County Jail
- Lewis County Jail

- Onondaga County Penitentiary
- Onondaga Justice Center
- Erie County Holding Center
- Ulster County Jail
- Schenectady 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 2012, the following is a list of counties and the operational issues for which Commission staff provided officials with technical assistance.

County Facilities

Albany CJ

Assistance with proposed staffing reductions

Broome CJ

Female housing protective custody, classification and variance space

Cattaraugus CJ

Discipline, grievance and religion services, inmate grievance program, visitation, classification, MFC, SJO, inmate admission and complaint procedures, erroneous release and staffing, inmate marriages, medical services

Chautauqua CJ

Food Service, religion services, discipline, grievance program, suicide prevention, legal services, eJustice population reporting

Clinton CJ

Grievance program management

Delaware CJ

Reportable incidents, facility renovation

Dutchess CJ

Overcrowding/Juvenile Justice, temporary housing facilities

Erie County HC and Pen

Staffing levels during a civil service exam which a significant portion of staff was scheduled to take, changes to inmate visitation program

Essex CJ

Admission, security and supervision, discipline, staffing and MFC, correspondence, legal services, access to media, transfer of records, Correction Law 500h, reportable incidents

Franklin CJ

Policy and procedures development/staffing

Jefferson CJ

Use of force

Lewis CJ

Personnel issues and physical plant structures, operational policies and procedures, staffing

Montgomery CJ

Action to take while jail's fire alarm system malfunctioned, inmate protective custody determination process

Oswego CJ

Inmate classification system, discipline system

Orange CJ

Inmate housing, juvenile handling procedures

Orleans CJ

Roof replacement project and resulting need for alternate outdoor exercise

Putnam CJ

Inmate housing, classification issues

Rensselaer CJ

Inmate grievances, administration segregation, contact visitation

Saratoga CJ

Personal hygiene, grievances, variances procedure, legal services and health services

Schenectady CJ

Outdoor exercise enclosed structure for staff

Tompkins CJ

Jail overcrowding issues and facility modifications, jail overcrowding issues, medical device security and religion services, security and supervision

Wayne CJ.

Use of force inmate grievances

Westchester CJ

Commissary, medical device security and Correction Law 500h, minimum standard interpretation, staffing deployment

Wyoming CJ

Medical services and special need housing

Miscellaneous

Montgomery County Courthouse

Design change to allow for safe placement of firearms

Rockland County District Attorney

Juvenile processing

Brookwood Secure Center

Perimeter control

Columbia Girls Secure Center

Reportable incidents reporting requirements

New York State Department of Environmental Protection

Juvenile Handling Procedures

Police Departments

Jamestown	Transport supervision
Mt. Vernon	Discipline
Newburgh City	Operations
Mt. Vernon	Reportable incidents
Port Chester	Operations
Village of Mamaroneck	Lock up training
Mamaroneck Town	Juvenile Processing
Croton	Reportable incidents
Olean	Suicide prevention TA
Tuxedo	Juvenile Processing
Salamanca	Policy and Procedures
East Greenbush	Operations
Rensselaer	Operations
Mt. Kisco	Reportable incidents
Peekskill	Juvenile Processing
Larchmont	Juvenile Processing
Larchmont	Suicide Prevention

Homer	Follow-up review on policy and procedures
Rouses Point	Lock up Minimum Standards and Operations
Pelham Manor	Lock up Minimum Standards and Operations
Port Chester	Lock up Minimum Standards and Operations
Co-Op City	Juvenile Processing
Buffalo	Future female prisoner housing construction
Corning	Temporary location of lockup during City Hall construction
Scotia	Removal of one of two cells in the department's lockup

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.

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 2012 the following Memorandums were issued:

- Relocation of Commission offices
- Update from Board of Examiners of Sex Offenders
- Preventing Mother-to-Child Transmission (MTCT) of HIV
- Clarification of the Practice of Nursing in Local Correctional Facilities

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 2012:

- Chemung County Jail
Alleged staff assault on inmate.

Monroe County Jail

SCOC staff completed an assessment of the Monroe County Sheriff's response to the Commission's report on the escape in March 2011 of two inmates from the Monroe County Jail.

Otsego County Jail

Allegations of inadequate medical care and excessive force used by facility staff.

Oneida County Jail

Investigation of inmate escape.

FORENSIC MEDICAL UNIT

The Forensic Medical Unit is a Field Operations unit within the State Commission of Correction. This unit 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 expertise in the investigation of inmate mortality, the evaluation of State and local correctional facility health care delivery. The unit also provides 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 twenty-two (22) mortality and seventeen (17) abridged mortality investigations. Those cases and facilities are as follows:

Full Board Cases

Joshua Trimiar/Canton CF/#2010-M-154

Julio Dejesus/Marcy CF/#2011-M-013

Latisha Mason/Schenectady CJ/#2011-M016

Philip Trunzo/Great Meadow CF/#2011-M-009

Milton Miller/Wende CF/#2010-M-151
Thomas Siewert/Dutchess CJ/#2011-M-018
Nathan Patnode/Rockland CJ/#2011-M-022
Vincent Leone/Sullivan CJ/#2011-M-125
Alvin Rios/Broome CJ/#2011-M-088
Anthony Delia/Sullivan CJ/#2011-M-074
Melvin Hazim/Auburn CF/#2011-M-070
Roy Nordstrom/Nassau CJ/#2011-M-071
Taronney Cramer/Elmira CF/#2011-M-061
John Beers/Great Meadow CF/#2011-M-106
Trevell Walker/Erie County HC/#2011-M-121
Frederick Hagg/Tioga CJ/#2011-M-128
Rakim Scriven/Erie County HC/#2011-M-109
Daniel McDonnell/Suffolk County PD/#2011-M-050
Michael Treacle/Chautauqua CJ/#2011-M-077
Nikko Gambino/Genesee CJ/#2011-M-083
Bartholomew Ryan/Nassau CJ/#2012-M-021
Lester Foster/Erie County HC/#2011-M-029

Abridged Cases

Melvin Johnson/Green Haven CF/#2009-M-001
Brenda Swigonski/NYPD Court Section/#2010-M-138
Irene Bamenga/Albany CJ/#2011-M-092
Kerry Castello/Sullivan CJ/ #2011-M-060
Peter Fort/NYPD/#2006-M-030
Robert Pittz/Southport CF/#2011-M-111
Wilfredo Galindez/NYPD Bronx Central Booking/#2007-M-063
Wesley Davis/Green Haven CF/#2012-M002
Paul Weinstein/Franklin CF/#2011-M-115
Jose Lucas/Lakeview CF/#2011-M-055
Marty Samad/Eastern CF/#2011-M-036
Michael Oddo/Collins CF/#2009-M-093
Frank Rizzo/Sullivan CJ/#2011-M-120
Miguel Matias/Clinton CF/#2011-M-155
Martin Higgins/Clinton CF/#2012-M-012
Curtis Hailstock/Green Haven CF/#2012-M-008
George Terry/Clinton CF/#2012-M-068

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.

Training Attended by Forensic Unit Staff:

Omnisure Webinars
AMC HIV Teleconferences

Training Provided by Forensic Unit Staff:

Suicide Prevention TTT at Albany 1/10-1/11/12

Suicide Prevention TTT at Westchester County Public Safety Police Academy 3/20-3/21/12

Conducted Suicide Prevention TTT at Erie County Central Police Services Public Safety

Training Building 5/8-5/9/12

Conducted Suicide Prevention TTT at Mohawk Police Academy 10/23-10-24/12

Special Site Visits:

Columbia CJ

Transition:

Suffolk CF/Staffing/Health Services

Special Investigations:

Henri Wilcox/Wyoming County Jail

Jason Quackenbush/Onondaga

Pamela Hardison/Wyoming CJ

Adrian Cadwallader/Otsego CJ

Monitoring:

Nassau CJ's Weekly D2D (medical tier)

Nassau CJ's Weekly BHU Medical

Suffolk CJ's Weekly BHU Medical

Interagency Activities:

NYS DOCCS, CQC, OMH, NYSP, SCOC re: NYS DOCCS Suicides/Report Processes

Mental Health Criminal Justice Planning Committee

Suicide Prevention Revision Committee

NYSDOCCS Health Services

DCJS/OMH/SCOC Training Committee

CQC Meeting/Roles

NYS DOCCS IG, Review of Mortality Cases

AIDS Institute

New York State Sheriffs' Association

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 that has yielded a sustained annual reduction in suicide of more than 70%, despite extraordinary increases in local inmate populations. 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, 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 instructions in June 2011. The new curriculum was revised and screening guidelines were officially released in November 2011. The first full instructor course was conducted in December 2011 for the New York State Department of Correction and Community Supervision.

Inmate Mortality During 2012

The following table lists the numbers and causes of death for inmates in all correctional facilities in New York State during the year 2012. 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 2012, 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 2012

	SUICIDE	AIDS	NATURAL	HOMICIDE	UNKNOWN	OTHER	TOTAL
DOCS	14	3	92	2	1	4	116
COUNTY JAILS	8	0	11	2	0	2	23
NYCDOC	2	1	15	1	1	1	21
POLICE LOCKUPS	0	0	0	0	0	0	0
NYCPD PRECINCTS	0	0	1	0	0	0	1
TOTAL	24	4	119	5	2	7	161

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. The Commission has worked with administrators on a number of issues. Such collaborative worked has included legislation aimed at reducing the number of mandated classification categories in local correctional facilities, assisting in the treatment of mentally ill inmates, facilitating the rapid and accurate transfer of vital medical information between facilities and the addition of a former correction officer to 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 2012, the Commission adopted Part 7205 of Title 9 NYCRR to provide a mechanism and procedure by which a local correctional facility may submit and seek Commission approval of an agreement to provide custody of inmates of another state pursuant to Correction Law §500-o.

Further, the Commission amended sections 7603.2 and 7603.3 of Title 9 NYCRR to allow the New York State Department of Corrections and Community Supervision (DOCCS) to apply for a variance to facility capacity regulations when necessary to meet inmate programming or other important needs.

Lastly, the Commission, pursuant to State Administrative Procedure Act §207, carried out the required regulatory review of all rules adopted in the calendar years 1997, 2002 and 2007. 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 2012-13 session:

- 1.) Amending Correction Law §42 to provide for improvement of the functioning of the Citizen's Policy and Complaint Review Council by updating the diversity of its membership.
- 2.) Amending Correction Law §504 to provide for improvement of efficiency in the issuance of substitute jail designations pursuant to Correction Law section 504 by authorizing attorneys employed by the Commission to issue such designations.

Litigation

In the course of the year, seven (7) new cases were opened, nine (9) were closed, and fifty two (52) were pending as of the end of 2012.

On November 29, 2012, the Commission filed a petition in Erie County Supreme Court to enforce a directive, previously issued on July 17, 2012, requiring the Chautauqua County Sheriff to remedy certain violations of the Commission's regulations. Specifically, the Commission sought compliance with respect to maximum facility inmate capacity.

Legal Opinions

In 2012, Counsel's Office rendered 78 legal opinions by telephone and 16 legal opinions in writing.

Freedom of Information Law (FOIL) Requests

For the year 2012, the Office of Counsel received and responded to 184 Freedom of Information Law (FOIL) requests for records of the Commission of Correction.

Juvenile Justice

In 2012, Counsel's Office continued to provide guidance and assistance to the Field Operations Bureau with the Commission's duty of monitoring the state's compliance with the Juvenile Justice and Delinquency Prevention Act (JJDP A).

EPILOGUE

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