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# CHAIRMAN'S MEMORANDUM

## NO. 2-2014 January 13, 2014

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TO: SHERIFFS, CHIEF ADMINISTRATIVE OFFICERS, AND COMMISSIONERS OF CORRECTION

RE: **Daily Reporting of Unarraigned Persons Detained in County Jails**

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Counties authorized to detain persons under arrest and awaiting court arraignment in their jails, pursuant to NYS Correction Law §500-a, assume the responsibility for reporting this category to the State Commission of Correction as part of the jail's daily population reporting requirement pursuant to Correction Law §44(4). Not all counties currently sanctioned to hold unarraigned persons in their local jails are reporting these individuals as a distinct category.

The means for fulfilling this obligation exists within the current format of the "Jails Daily Population Reporting System" screen. This category appears in the section of the schedule for listing detainees "physically in the facility." Further instructional information explaining how to use this system is enclosed. The revised guide contains the definition for "unarraigned."

Beginning not later than February 1, 2014, those counties authorized to hold unarraigned persons shall be fully compliant with the requirement that they accurately and consistently report this distinct inmate category as part of their facility's daily population submission.

If you seek additional information regarding the reporting of unarraigned inmates, please contact Rich Kinney (518-485-2463).

Thomas A. Beilein, Chairman

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New York State Commission of Correction  
80 So. Swan Street, 12th Floor  
Commissioner Albany, New York 12210-8001  
(518) 485-2346

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Thomas A. Beilein, Chairman  
Phyllis Harrison-Ross, M.D.,  
Thomas J. Loughren, Commissioner

**State Commission of Correction  
Jails Daily Population Reporting System  
EJusticeNY Portal guide**

**Physically in Facility Section:** Below is a description of the Field name and the instructions for filling in the specific fields within the State Commission of Correction Daily Population County on the EJusticeNY Portal.

<b>Field Name</b>	<b>Instructions</b>
Unsentenced	Count those inmates in Criminal Justice Process, Trial or Examination Status that are physically in your facility at the time of the count. Include those inmates that have been convicted but not yet sentenced. Include unsentenced witnesses other than material witnesses. Include State Readies here since they are not sentenced to county time. Do not include sentenced inmates with charges still pending.
Sentenced	Count those inmates that have been convicted <u>and</u> sentenced to county time that are physically in your facility at the time of this count. Include sentenced inmates with charges still pending. Include sentenced witnesses other than material witnesses. Do <u>not</u> include State Readies here since they are not sentenced to County time but are sentenced to State time.
Civil	Count those inmates that are Civil Process, Family Court, Civil Contempt, or Material Witness status that are physically in your facility at the time of this count. Witnesses other than material witnesses should be reported in either sentenced or unsentenced.
Federal	Count those inmates physically in your facility who have been committed by a U.S. Government agency e.g., U.S. Marshall, Military, Immigration.
Unarraigned	Count those inmates physically in your facility who are detained person(s) under arrest and awaiting court arraignment.
Totals	The system will sum up each category: Unsentenced + Sentenced + Civil + Federal and Unarraigned for each category (Adult Male, Adult Female, Minor Male, Minor Female).
Total Population Count	This is the total number of inmates physically in your facility. Adult Males + Adult Females + Minor Males + Minor Females = Total Population Count.

The totals in this section may not add up to the Total Population Count since some inmates may not fit into any of these categories, and some may fit into more than one (such as D & E Felon and Boarded In).

A. Physically in Facility categories:

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| Coram Nobis                            | Count those State inmates physically in your facility who are returned for re-trial or re-sentence and for whom reimbursement will be made. Use <u>Local Classification Age</u> breakdown.  |
| D & E Felons                           | Count those inmates physically in your facility who have been convicted of a felony and sentenced to county time and for whom reimbursement will be made. (Note: This does <u>not</u> include your Youthful Offenders.) Use <u>Local Classification Age</u> breakdown.  |
| * State Readies                        | Count those inmates who have been sentenced to serve time in a State facility, but have not yet been transported to the State (DOCS) and whose paperwork is complete and is ready to transport. Use <u>State Classification Age</u> breakdown at the time of sentencing.  |
| *Convicted Felons<br>Awaiting Sentence | Count those inmates that have been <u>convicted of a felony</u> , but <u>not yet sentenced</u> that are physically in your facility at the time of this count. Include individuals convicted of a felony but adjudicated youthful offender. Use <u>State Classification Age</u> breakdown.  |
| *Parole Violation<br>Warrant           | Count those inmates who are physically in your facility as a result of violating a condition (rule) of their parole agreement and for whom reimbursement will be made. Count only those that have <u>no other warrant</u> detaining the parolee other than that of the Division of Parole. Use <u>State Classification Age</u> breakdown. |
| *New Arrest +<br>Parole Warrant        | Count those inmates who are released to parole, but who are now physically in your facility because of a new arrest. Count those parolees being held on <u>another authority's charge and a parole warrant</u> . Use <u>State Classification Age</u> breakdown.   |
| Intermittents                          | Count those inmates physically in your facility <u>at the time of</u>   |

the count, who are serving an intermittent sentence. Use Local Classification Age breakdown.

Boarded In Count those inmates in your facility that are boarded in from another county facility or other authorities. Count only those inmates who are physically boarded in your facility. Do not include Federal prisoners here. Use Local Classification Age breakdown.

B. The next four categories are those inmates who are not physically in your facility at the time of the count:

Boarded Out Count those inmates under your jurisdiction who are boarded out to another county's correctional facility. These inmates should not be included in your facility's Unsented, or Sentenced Count. Use Local Classification Age breakdown.

Out to Hospital Count those inmates committed to your facility that is out to a hospital admitted as an inpatient at the time of the count. Do not include these inmates in the Unsented, Sentenced, Civil or Federal counts. Use Local Classification Age breakdown.

Out to Mental Hygiene Count those inmates who are in a mental health facility at the time of the count. Do not include these inmates in the Classification counts section. Use Local Classification Age breakdown.

Example:

A Schoharie County inmate is sent to Central NY Psychiatric Center (Marcy, NY). Schoharie County secures a substitute jail order to transfer custody of this inmate to the Oneida County Jail. The inmate is technically boarded-out to the Oneida County Jail, but is physically in CNY-Marcy.

- 1) Schoharie includes this inmate in their boarded-out count upon having secured a substitute jail order to transfer custody to the Oneida County Jail.
- 2) Oneida County Jail shows this inmate in their boarded-in count and on their 'Out to Mental Hygiene' count since he is boarded in from Schoharie, but is not physically in their facility.

Out to Other            Count those inmates committed to your facility that are out to court, court order to another facility, day pass, etc., and the inmate will be returning to your facility. Use the Local Classification Age breakdown.

C.     Admissions

Count the number of inmates admitted to your facility since the last count reported to SCOC. Use the Local Classification Age breakdown.

An admission is defined as:

The process of initially committing an individual to a correctional or detention facility for a criminal or civil event pursuant to lawful authority. This commitment is maintained until final discharge from the receiving facility occurs.

SPECIAL NOTE:     Intermittents are counted only once when first admitted into the facility.

For clarification purposes, a discharge is defined as:

The final release of an individual previously admitted to a facility. This release occurs following the culmination of all authority of the admitting facility to maintain custody of that individual.

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