NEW YORK STATE | Commission of Correction

THOMAS A. BEILEIN
Chairman

PHYLLIS HARRISON-ROSS, M.D.
Commissioner

THOMAS J. LOUGHREN
Commissioner

MEMORANDUM

TO: COMMISSION MEMBERS

FROM: Brian Callahan, General Counsel BMC

RE: AGENDA FOR COMMISSION MEETING

DATE: January 20, 2016 at 11:00AM

I. MINUTES

SCOC
December 15, 2015

SCOC "Special" Commission Meeting
January 5, 2016

CPCRC
January 14, 2016

MRB
Administrative Closures

II. VARIANCES

A. Greene County Jail
14-V-02
(Section 7028.4 Exercise Area and Equipment)

B. Herkimer County Jail
06-V-05
(Section 7028.4 Exercise Area and Equipment)

C. Madison County Jail
14-V-04
(Section 7040.3 Facility Population Limitation)

D. **NYS Department of Corrections and Community Supervision**
Clinton Correctional Facility Annex and Wallkill Correctional Facility
12-V-06
(Section 7621.3 Facility Population Limitation
Section 7621.8 Multiple Occupancy Housing Units)

E. **Onondaga County Justice Center**
13-V-03
(Section 7040.3 Facility Population Limitation)

F. **Onondaga Penitentiary**
13-V-10
(Section 7040.3 Facility Population Limitation)
(Section 7040.5 Multiple Occupancy Housing Units)

G. **Onondaga County Penitentiary**
02-V-10
(Section 7040.3 Facility Population Limitation)

III. CONSTRUCTION

H. **Brookwood Secure Center**
Control Doors Modification Units 5 thru 10 Project

I. **Lewis County Jail**
Cell Window Modification Project

J. **Nassau County PD**
New 7th Precinct Building Project

K. **NYC Department of Correction**
Comprehensive Camera Coverage At
OBCC, EMTC, RMSC, NIC, MDC, VCBC
And BKDC Installation Project

NEW YORK STATE | Commission of Correction

THOMAS A. BEILEIN
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Commissioner

THOMAS J. LOUGHREN
Commissioner

MINUTES

LOCATIONS:

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

NYS EMPIRE STATE DEVELOPMENT CORPORATION (ESDC)
633 Third Avenue
New York, New York 100177

DATE OF MEETING: December 15, 2015

Chairman Beilein called the meeting to order at 11:05am.

PRESENT:
Thomas Beilein, Chairman
Thomas Loughren, Commissioner
Phyllis Harrison-Ross, M.D., Commissioner **(Participated from NYC Office Above)**
Tricia Amati, Assistant to Chairman/Commissioners
Richard Kinney, Director of Operations
Brian Callahan, General Counsel
Debbie Slack-Bean, Senior Attorney
Bill Benjamin, South Central, Supervisor
Chris Ost, Supervisor of Forensic Unit
Terry Moran, Supervisor, Capital West
Keith Zobel, Supervisor
Janine Kava, Director of Public Information
Marcus Molinaro, County Executive, Dutchess County
Noel Knille, Commissioner, Dutchess County Department of Public Works
Bill O'Neil, Deputy County Executive, Dutchess County
Kirk Imperative, Undersheriff, Dutchess County Sheriff's Office
George Krom, Jail Administrator, Dutchess County Sheriff's Office

DATE: December 15, 2015 at 11:00AM

I. MINUTES

SCOC November 17, 2015	**Approved Unanimous** **Ross/Loughren**
CPCRC December 10, 2015	**Approved Unanimous** **Loughren/Ross**

MRB

	Administrative Closures	**Approved Unanimous Ross/Loughren**
	December 3, 2015 Meeting Minutes	**Approved Unanimous Ross/Loughren**

II. VARIANCES

A.	**Dutchess County Jail** 15-V-01 (Section 7040.3 Facility Population Limitation)	**Approved Unanimous Two (2) Months Loughren/Ross**
B.	**Nassau County Sheriff's Office** 00-V-04 (Section 7040.3 Facility Population Limitation)	**Approved Unanimous One (1) Year Ross/Loughren**
C.	**Otsego County Sheriff's Office** 99-V-24 (Section 7040.3 Facility Population Limitation)	**Denied Unanimous Loughren/Ross**

III. CONSTRUCTION

D.	**Cortland County Jail** Request for Approval of Building Sites For a New County Jail	**Approved Unanimous Loughren/Ross**
E.	**East Hampton Police Department** Renovate Police Lockup Project	**Approved Unanimous Loughren/Ross**
F.	**NYS Department of Corrections and Community Supervision Eastern Correctional Facility**	**Approved Unanimous Loughren/Ross**

Commissioner Harrison-Ross, M.D. made a motion to go into executive session at 11:10am to discuss Construction and MRB items, which was seconded by Commissioner Loughren.

Commissioner Harrison-Ross, M.D. made a motion to exit Executive Session and return to general session at 11:56am, which was seconded by Commissioner Loughren.

The meeting resumed at 11:56am. Motion was made by Commissioner Harrison-Ross, M.D. to ratify actions taken in Executive Session regarding MRB and Construction items, seconded by Commissioner Loughren.

Commissioner Harrison-Ross, M.D. made a motion to adjourn at 12:35pm which was seconded by Commissioner Loughren.

Respectfully submitted,

Tricia Amati
Assistant to Chairman/Commissioners

NEW YORK STATE | Commission of Correction

THOMAS A. BEILEIN
Chairman

PHYLLIS HARRISON-ROSS, M.D.
Commissioner

THOMAS J. LOUGHREN
Commissioner

EXECUTIVE SESSION

LOCATIONS:

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

NYS EMPIRE STATE DEVELOPMENT CORPORATION (ESDC)
633 Third Avenue
New York, New York 100177

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Thomas Beilein, Chairman
Thomas Loughren, Commissioner
Phyllis Harrison-Ross, M.D., Commissioner **(Participated from NYC Office Above)**
Tricia Amati, Assistant to Chairman/Commissioners
Richard Kinney, Director of Operations
Brian Callahan, General Counsel
Debbie Slack-Bean, Senior Attorney
Bill Benjamin, South Central, Supervisor
Chris Ost, Supervisor of Forensic Unit
Terry Moran, Supervisor, Capital West
Keith Zobel, Supervisor
Janine Kava, Director of Public Information
Marcus Molinaro, County Executive, Dutchess County
Noel Knille, Commissioner, Dutchess County Department of Public Works
Bill O'Neil, Deputy County Executive, Dutchess County
Kirk Imperative, Undersheriff, Dutchess County Sheriff's Office
George Krom, Jail Administrator, Dutchess County Sheriff's Office

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Tricia Amati
Assistant to Chairman/Commissioners

NEW YORK STATE | Commission of Correction

THOMAS A. BEILEIN
Chairman

PHYLLIS HARRISON-ROSS, M.D.
Commissioner

THOMAS J. LOUGHREN
Commissioner

MINUTES
***"Special"* Commission Meeting**

STATE COMMISSION OF CORRECTION

Albany Location
80 S. Swan Street, 12th Floor
Albany, New York 12210

And

New York City

DATE OF MEETING: January 5, 2016

Chairman Beilein called the meeting to order at 2:30pm

PRESENT:
Thomas A. Beilein, Chairman
Phyllis Harrison-Ross, M.D., Commissioner (*participated from New York City*)
Brian Callahan, General Counsel
Rich Kinney, Director of Operation
Deborah Slack-Bean, Senior Attorney
Tricia Amati, Assistant to Chairman/Commissioners

Part I **2:30pm**

I. **Regulation**

A.	**Notice of Adoption Amendment of Sections 7022.3, 7022.4, 7406.3, 7406.4 and 7508.2 of Title 9 NYCRR**	**Approved Ross/Beilein**	**Unanimous**

Commissioner Harrison-Ross, M.D. made a motion to adjourn at 2:31pm, which was seconded by Chairman Beilein and approved.

Respectfully submitted,

Tricia Amati
Assistant to Chairman/Commissioners

CITIZENS' POLICY AND COMPLAINT REVIEW COUNCIL

January 14, 2016

NYS Commission of Correction
at
Alfred E. Smith Office Building
80 South Swan Street, 12th Floor
Albany, NY 12210
and
Williamsville, NY 14221

PRESENT:
Commissioner Thomas J. Loughren

Council Members:
Albany:
Tom Cross
Douglas Landon
Charles Burkes
Nicholas Labella
Don Nadler

Williamsville
Julie Scailone

Also Present
Richard Kinney
Deborah Slack-Bean
Ellen Tryon
Renee Goodman
Deane McGeary

Commissioner Loughren opened the meeting at 10:35 a.m.

Commissioner Loughren asked for a motion to approve the minutes of the December 10, 2015 meeting. Tom Cross made a motion to approve the minutes and Doug Landon seconded. Carried.

Don Nadler reviewed 33 Deny with Comment grievances for the month of January 2016 and made a motion to table the Ontario County's Grievance # 64783, return the Rockland County 's Grievance #65553 and Deny with appropriate comments the remaining 31 grievances. Seconded by Doug Landon and unanimously passed.

Julie Scalione, Doug Landon, Tom Cross, Martin Stanton, Charles Burke, Hernan Carvente and Nick Labella, as the Expedite sub-committee, reviewed the SharePoint expedited grievances. Julie reviewed Albany to Delaware (48), Doug reviewed Erie to Monroe #66287 (50), Tom reviewed Monroe #66288 to Ontario #64548 (50), Martin reviewed Ontario #64782 to Rensselaer (51), Charles reviewed Rockland to Tompkins (51), Hernan reviewed Ulster to Warren #65447 (50) and Nick review Warren #65389 to Westchester DOC (46). Motions were made by Julie Scalione, Doug Landon, and Charles Burke to deny their expedited grievances. These motions were seconded by Doug Landon, Don Nadler and Nick Labella respectively and unanimously passed. Nick Labella and Tom Cross made motions to table their expedited grievances, these motions were seconded by Doug Landon and Don Nadler respectively and unanimously passed. Upon Martin Stanton's recommendation, Doug Landon made a motion to deny the grievances from Ontario #64782 to Rensselaer. This motion was seconded by Tom Cross and unanimously passed. Upon Hernan Carvente's recommendation, Tom Cross made a motion to deny the grievances from Ulster to Warren #65447. This motion was seconded by Nick Labella and unanimously passed

The Council reviewed the remaining grievances.

ACCEPTED IN PART

66495 Allegany CJ	Unanimous
65876 65959 Chenango CJ	Unanimous
65355 Franklin CJ	Unanimous
65968 66402 Nassau CJ	Unanimous
65126 Rensselaer CJ	Unanimous
64705 Saratoga CJ	Unanimous
65064 65065 Seneca CJ	Unanimous
65927 65961 65980 66054 St. Lawrence CJ	Unanimous

ACCEPTED

65599
Albany CJ — Unanimous

64383
65439
Montgomery CJ — Unanimous

65720
Oswego CJ — Unanimous

DENY WITH COMMENT

66460
Chenango CJ — Unanimous

ADMINISTRATIVE CLOSURES

DENY WITH COMMENT

65734
Cayuga CJ — Unanimous

65369
64906
64665
Chautauqua CJ — Unanimous

66523
66525
57546
57547
57573
57574
66526
66527
Chenango CJ — Unanimous

66533
Herkimer CJ — Unanimous

65971
Lewis CJ — Unanimous

66060
66660
66461
Madison CJ — Unanimous

63781
Monroe CJ — Unanimous

66359
Nassau — Unanimous

66182
Oswego CJ — Unanimous

66399
Rockland CJ — Unanimous

65706
65707
Saratoga CJ — Unanimous

65930
66267
Suffolk CJ — Unanimous

63126
Sullivan CJ — Unanimous

65386
Tompkins CJ — Unanimous

62824
Ulster CJ — Unanimous

DENY

66607
64878
64739
65966
65967
Albany CJ — Unanimous

63715
Allegany CJ — Unanimous

65353
65377
65378
65379
65801
Broome CJ — Unanimous

63327
62984
65874
66324
65248
66244
Cayuga CJ — Unanimous

66404
65627
65628
Chemung CJ — Unanimous

65299
50562
57566
57568
57548
57549
57550
57551
57553
66187
65875
Chenango CJ — Unanimous

65710
66623
66624
65249
66119
66625
66626
66627
66628
65709
65250
65261
65251
66630
66631
Delaware CJ — Unanimous

62514
62575
Erie CJ — Unanimous

65765
65766
66301
66290

65702 66064 Franklin CJ	Unanimous
63679 Fulton CJ	Unanimous
65025 Greene CJ	Unanimous
66506 Herkimer CJ	Unanimous
66056 Lewis CJ	Unanimous
66057 65721 65722 65723 65724 65725 65918 65726 65708 66058 66059 66062 66462 66306 66346 66347 66348 66349 Madison CJ	Unanimous
64430 65504 64964 64280 66485 64441 64429 64645 66325 66183 66284 65350 65879 66184 66185	

66299 66326 66285 66286 66287 Monroe CJ	Unanimous
64782 64823 65120 66240 65864 65121 64785 64786 64862 65107 66120 65763 Ontario CJ	Unanimous
64354 58772 65485 64970 65929 65916 65917 Orange CJ	Unanimous
65222 65601 65600 65602 66522 66553 66554 65970 Oswego CJ	Unanimous
65300 65376 65301 Otsego CJ	Unanimous
66379 65630 64549 Putnam CJ	Unanimous

65800
64985
65123
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64968
64969
65058
65042
65043
65060
65061
65062
65122
65063
65044
65128
66552
65123
Rensselaer CJ — Unanimous

64428
63523
63878
63959
64583
65481
64779
64780
62664
62605
Rockland CJ — Unanimous

65187
62959
Schenectady CJ — Unanimous

65048
Schuyler CJ — Unanimous

66243
65962
65351
65352
65446
66494
66504
66505
Seneca CJ — Unanimous

65928

65914 66336 66055 65979 St. Lawrence CJ	Unanimous
66466 64426 63961 64303 64427 62530 65531 65047 64712 Steuben CJ	Unanimous
65319 65302 Suffolk CJ	Unanimous
63630 64304 63124 63125 63480 63609 63631 63942 63962 63940 62843 62844 Sullivan CJ	Unanimous
65644 65659 Tompkins CJ	Unanimous
64044 64879 65863 64788 66201 Ulster CJ	Unanimous
65940 66321 65865 66050 65933	

65631
65759
65941
65387
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65252
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65871
65872
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66051
65963
66322
64942
64920
64921
64922
65108
64971
65131
65253
65254
65255
65357
65447
Warren CJ — Unanimous

TABLED

66288
66406
66328
66329
66330
66331
66332

66268 66269 Monroe CJ	Unanimous
64789 64619 64382 64863 64864 Montgomery	Unanimous
65900 65530 64813 65969 66360 66361 66403 64351 65901 65374 66532 65375 65483 Nassau CJ	Unanimous
64352 63876 65557 Niagara CJ	Unanimous
66323 65180 65803 66052 66053 65932 65804 66531 65805 65806 65807 66259 Onondaga DOC	Unanimous
66270 66271 66272 Onondaga JC	Unanimous

65385
66239
65719
64061
64548
64783
Ontario CJ — Unanimous

65389
65390
65358
65391
65634
65880
65881
65882
65873
65943
65635
64943
65636
65637
65638
65936
64944
65392
66281
64370
65762
64801
64945
65883
Warren CJ — Unanimous

66362
66363
Washington CJ — Unanimous

65555
Wayne CJ — Unanimous

65778
65877
66407
65779
65884
66469
66519
66520
65660
66528

65964
65661
65662
65878
65944
65663
66521
65450
66529
64669
Westchester DOC — Unanimous

Returned to the Facility

65553
Rockland CJ — Unanimous

The next CPCRC meeting will be held on Thursday, February 11, 2016 at 11:00 a.m. at SCOC, AESOB 80 S. Swan St. 12th Floor Albany, NY, Adam Clayton Powell State Office Building, 163 W 125th St., Suite 506, New York, and at Williamsville, NY 14221.

Commissioner Loughren requested a motion to adjourn the meeting which was made by Tom Cross, seconded by Don Nadler and carried. The meeting adjourned at 12:00 p.m.

Respectfully submitted,

Deborah Slack-Bean
Senior Attorney

Name of Facility: Greene County Jail Variance # 14-V-02

New: X **Renewal:** **Relief from Standard:** 7028.4

Application by: Superintendent Spitz **Date Request Rec:** 12/7/2015

Last Approved: 7-21-2015 **Length of Approval:** 6 Months **Expiration:** 2-1-2016

Write-up Prepared by: Cynthia Diaz

Recommendation by Field Staff: **Approve for 6 Months**

Recommendation at Briefing:

Final Recommendation:

SUMMARY OF VARIANCE REQUEST

The facility is requesting a six month extension for variance 14-V-02 which authorizes the county to use an exercise yard for the purpose of providing prisoners outdoor exercise that does not meet the requirements of 7028.4.

RECOMMENDED CONDITIONS

1. No more than 8 inmates will utilize the outdoor exercise yard at one time.
2. The facility will schedule sufficient exercise periods to ensure that all inmates receive the required exercise pursuant to Part 7028, Exercise.
3. The facility administration shall provide the Commission with status reports on the jail construction project as part of any future extension requests.

OTHER VARIANCES IN EFFECT – None

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

Diaz and Crane completed an on-site assessment of the facility's compliance with the conditions of this variance.

DATE OF LAST CYCLE VISIT THAT STANDARD VIOLATIONS WERE IDENTIFIED:

ANY OPEN MINIMUM STANDARD VIOLATIONS:

Physical plant limitations

ANY VIOLATIONS WHICH PERTAIN TO THE VARIANCE'S CONDITIONS:

None

JUSTIFICATION FOR WHY VARIANCE SHOULD OR SHOULD NOT BE EXTENDED:

The county continues to move forward with plans for the construction of a new county jail. This includes:

1. SCOC previously approved a site on the grounds of the NYSDOCCS Coxsackie and Greene Correctional Facilities.

2. A formal Needs Assessment program is underway and should be completed in January 2016.

3. An architectural firm has been hired to design the new facility.

4. SCOC staff are providing technical assistance on the proposed housing unit needs.

5. SCOC staff will be providing technical assistance on inmate classification for the new facility in the coming months.

REVIEWED BY REGIONAL SUPERVISOR: TM **DATE:** 1/5/16

OFFICIAL USE ONLY:

NOTES OF MEETING: _____

NEW YORK STATE | **Commission of Correction**

FROM: Chairman Thomas A. Beilein **DATE: December 7, 2015**

SENDER: **Michael Spitz, Superintendent**

AGENCY: Greene County

DATE OF ORIGINAL RECEIVED:

REF: Variance 14V02

DOCUMENT DESCRIPTION: **Variance Application**

CHAIRMAN'S COMMENTS:

----------Routing Information----------

REGIONAL SUPERVISOR: Moran

CC:

New York State Commission of Correction
80 S. Swan Street, 12th Floor
Albany, New York 12205
518-485-2465
518-485-2467 (Fax)

New	_____
Renewal	_____
Variance #	_____
(SCOC USE ONLY)	

Thomas A. Beilein
Chairman

Variance Application Form

INSTRUCTIONS TO SHERIFF OR CHIEF ADMINISTRATIVE OFFICER:

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

Facility: Greene County

Person requesting: Michael J. Spitz, Superintendent

(Sheriff/Chief Administrative Officer)

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

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

Standard for which the variance is requested:

Part: 7028 Section: 4-B Subdivision:

B. In the space provided below include specific plans fully explaining and supporting the alternative manner of compliance. If you are requesting a modification to an existing variance please include that information in the area below as well. (Include or attach any relevant supporting documentation)

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

It is necessary to comply with C.O.C. standard 7028.2(b)

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

_____ Days _____ Weeks 6 Months

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

Time frame is unknown at this time

F. If this variance request pertains to housing additional inmates, please provide the square footage for the potential housing areas effected (dayspace area, cells, gym, etc.) as well as the number of sinks, shower and toilets for that area. It is also necessary to include the current maximum facility capacity (MFC) for the specific area the variance is requested for as well as how many additional inmates you are requesting to be housed in a particular area.

Housing Area (Name and type, i.e. 1 North, dorm, linear)	Dorms and Cells Sq. Ft.	Number of Sinks	Number of Showers	Number of Toilets	Current MFC	Requested Number of Variance Beds

(If additional space is required please make a copy of this sheet and attach)

(Page _____ of _____)

G. Has this variance been previously approved?

Yes X If yes, include the variance number 14- v-02 No _____

12/1/2015

Signature (Sheriff) ~~(Chief~~ Administrative Officer) Date

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

Name of Facility: Herkimer County Jail Variance # 06-V-05

New: ☐ **Renewal:** ☒ **Relief from Standard:** 7028.4

Application by: Sheriff Christopher Farber **Date Request Rec:** 11/24/15

Last Approved: 10/20/2015 **Length of Approval:** 6 Months **Expiration:** 08/01/16

Write-up Prepared by: Elisha Hamilton

Recommendation by Field Staff: **Approve for 6 months**

Recommendation at Briefing:

Final Recommendation:

SUMMARY OF VARIANCE REQUEST

The facility is requesting a continued extension of variance 06-V-05 which authorizes the county to use a temporary exercise yard for the purpose of providing prisoners outdoor exercise. The county awaits a court decision on its most recent appeal concerning ongoing litigation with the Village of Herkimer.

RECOMMENDED CONDITIONS

Commission staff recommends that the following conditions be included in the approval letter:

1. No more than 10 inmates will utilize the temporary yard at one time.
2. The facility will schedule sufficient exercise periods to ensure that all inmates receive the required exercise pursuant to Part 7028, Exercise.
3. The facility administration shall fully comply with all of the requirements of Correction Law 500-b and 9NYCRR, Part 7013, Classification, by requiring that inmates of different security classifications not be commingled in any housing areas.

VARIANCE HISTORY

2015	Recommendation	Approval
	Action Taken	Approved at Meeting 10/20/15
	Length of Variance	90 Days
	Conditions, if changed	

2015	Recommendation	Approval
	Action Taken	Approved at Meeting 5/19/15
	Length of Variance	6 Months
	Conditions, if changed	

2014	Recommendation	Approval
	Action Taken	Approved at Meeting 11/18/14
	Length of Variance	6 Months
	Conditions, if changed	

2014 Recommendation Approval
Action Taken Approved at Meeting 5/20/14
Length of Variance 6 Months
Conditions, if changed

2013 Recommendation Approval
Action Taken Approved at Meeting 11/19/2013
Length of Variance 6 Months
Conditions, if changed

2013 Recommendation Approval
Action Taken Approved at Meeting 5/21/2013
Length of Variance 6 Months
Conditions, if changed

2013 Recommendation Approval
Action Taken Approved at Meeting 2/19/2013
Length of Variance 90 Days
Conditions, if changed

2012 Recommendation Approval
Action Taken Approved at Meeting 11/20/12
Length of Variance 90 Days
Conditions, if changed

2012 Recommendation Approval
Action Taken Approved at Meeting 8/14/12
Length of Variance 90 Days
Conditions, if changed

2012 Recommendation Approval
Action Taken Approved at 05/15/12 Meeting
Length of Variance 90 Days
Conditions, if changed

2012 Recommendation Approval
Action Taken Approved at 01/17/12 Meeting
Length of Variance 120 Days
Conditions, if changed

2011 Recommendation Approval
Action Taken Approved at 10/18/11 Meeting
Length of Variance 90 Days
Conditions, if changed

2011 Recommendation Approval
Action Taken Approved at 04/19/11 Meeting
Length of Variance 90 Days
Conditions, if changed

2011	Recommendation	Approval
	Action Taken	Approved at 2/15/11 Meeting
	Length of Variance	90 Days
	Conditions, if changed	

2010	Recommendation	Approval
	Action Taken	Approved at 10/10 Meeting
	Length of Variance	30 Days
	Conditions, if changed	

2010	Recommendation	Approval
	Action Taken	Approved at 7/10 Meeting
	Length of Variance	90 Days
	Conditions, if changed	

2010	Recommendation	Approval
	Action Taken	Approved at 4/10 Meeting
	Length of Variance	60 Days
	Conditions, if changed	

2010	Recommendation	Approval
	Action Taken	Approved at 2/10 Meeting
	Length of Variance	90 Days
	Conditions, if changed	
	Conditions, if changed	

CONSTRUCTION/RENOVATION PLANS

08/25/2015

Elisha Hamilton completed an on-site assessment of facility compliance with the variance conditions set forth in 06-V-05. See comments under *Summary of Variance Request.*

08/28/14

Terrence Moran and Elisha Hamilton completed an on-site assessment of facility compliance with the variance conditions set forth in 06-V-05. See comments under *Summary of Variance Request.*

03/17/14

Elisha Hamilton completed an on-site assessment of facility compliance with the variance conditions set forth in 06-V-05. See comments under *Summary of Variance Request.*

10/24/13:

Terrence Moran and William Benjamin completed an on-site assessment of facility compliance with the variance conditions set forth in 06-V-05. See comments under *Summary of Variance Request.*

4/11/13:

Cynthia Diaz completed an on-site assessment of facility compliance with the variance conditions set forth in 06-V-05. According to County Administrator James Wallace, the Village of Herkimer has perfected their appeal and Herkimer County is scheduled to be heard in September 2013. They would anticipate a decision in mid-November 2013.

1/29/13:

Terrence Moran and Cynthia Diaz met with Sheriff Farber and his executive team to discuss the status of the new jail project. It was reported that Herkimer County was victorious in their court case against the Village of Herkimer. The Village of Herkimer had until February 19, 2013 to file a 'notice of appeal'.

08/03/12:
Larry Roe met with Captain McGrail and Lieutenant Adams to discuss the status of the New Jail project and the Courts determination regarding the County's lawsuit against the Village of Herkimer. Captain McGrail and Lieutenant Adams had no new information to offer other than the County thought they would have received a decision from the judge by May or June of 2012. Captain McGrail and Lieutenant Adams also advised that they are unaware of when the judge will make a decision, and that they believe that the Judge was under no time restriction to render a determination. Captain McGrail and Lieutenant Adams further advised that the two issues (zoning change that would preclude Herkimer County from building a jail & the authorization for sewer connection) are still in the courts awaiting a decision from the judge. As for the construction project, the cell bids were received and extended due to no decision from the Judge regarding the aforementioned court matters.

04/25/12:
Terry Moran and Bill Benjamin met with Sheriff Farber and several Herkimer County Officials to discuss the status of the project. The following information was provided to Commission staff:

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

03/27/12:
Sheriff Farber submitted to Chairman Beilein a letter of request to extend Variance 06-V-05 for 180 days and advised that the County continues to move forward with the construction of a new correctional facility. Sheriff Farber also submitted within the letter of request for the aforementioned variance extension, a copy of a letter that was written to him (Sheriff Farber) from Herkimer County Administrator James Wallace. Administrator Wallace's letter, dated March 27, 2012, advised that the County continues to move forward with the construction of a new Herkimer County Correctional Facility at the Route 28 site in Herkimer. It also advised that the County is currently in court with the Village of Herkimer over two issues; a zoning change that would prohibit Herkimer County from building a jail; and the authorization for a sewer connection that the County was denied by the Village of Herkimer. Administrator Wallace concluded by writing that the County has their Correctional Facility cell package out for bid.

12/07/11:
Sheriff Farber submitted to Chairman Beilein a letter of request to extend Variance 06-V-05 for 180 days and advised that the County continues to move forward with the construction of a new correctional facility. Sheriff Farber also submitted within the letter of request for the aforementioned variance extension, a copy of a letter that was written to him (Sheriff Farber) from Herkimer County Administrator James Wallace. Administrator Wallace's letter, dated December 7, 2011, advised that the County continues to move forward with the construction of a new Herkimer County Correctional Facility at the Route 28 site in Herkimer. It also advised that the County Legislature at its last meeting was given a presentation by Mark kakuvka of LaBella Associates which allowed the members and the residents to review the design of the facility and the schedule. It further advised that the County is in the design development phase and is continuing with their cell package.

08/30/11:
Sheriff Farber submitted to Chairman Beilein a letter of request to extend Variance 06-V-05 for 180 days. On September 28, 2011, Sheriff Farber and Captain McGrail meet with Chairman Beilein and SCOC supervisory staff to discuss the County's progress toward the construction of a new jail.

05/25/11:
Sheriff Farber submitted to Chairman Beilein a copy of a letter County Administrator James Wallace sent to him (Sheriff Farber). County Administrator Wallace informed Sheriff Farber that the county continues to move forward on the P&C site and that Labella's team was at the site on the date of the letter (May 25, 2011) finishing up the onsite work for the percolation test. County Administrator Wallace also advised Sheriff Farber in the aforementioned letter that at the last meeting of the County Legislature, the County hired an environmental attorney to assist with the site. Also, there has been recent correspondence between the Chairman of the Legislature and the Mayor of the Village of Herkimer regarding allowing the County to use their (Village's) sewer system; however, the County continues to move forward with Labella Associates on the P&C site.

4/7/11:
Commission staff members Terrence Moran and Larry Roe met with Sheriff Farber, County Administrator James Wallace, and Public Safety Chair Leonard Hendrix. Commission staff were informed of the following concerning the jail project:

1. The county has not yet applied to the DEC for permits to construct a septic system on the jail site. Forty-seven (47) test pits will be dug in the coming weeks. The results will then be forwarded to the DEC.

2. The county will be meeting with LaBella Associates, the architectural/engineering firm hired by Herkimer County for this project.

3. The size of the facility will be 132 beds, with double celling capability to 154 beds.

3/29/11:
Sheriff Farber submitted to Chairman Beilein a copy of a letter County Administrator James Wallace to him (Farber). Wallace informed Farber that the county has approved resolutions on the hiring of LaBella Associates as their architect/engineer, and that there is movement on the purchasing of the proposed construction site property (P & C site).

1/18/11:
Sheriff Farber forwarded Chairman Beilein the results of the SEQRA tests, which indicated that the jail project would not have a significant environmental impact.

12/14/10:
In a letter to Chairman Beilein, Herkimer County Administrator James Wallace reported that percolation tests as part of an assessment of a septic system for the new facility have been completed and are awaiting the test results. Also, the county awaits a report from consultant Rod Miller concerning the recommended size of the new facility. Further, once the SEQRA process is completed, and a decision on facility size is made, he anticipates holding a vote for bonding on the new facility and continued movement towards purchasing the site property.

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

assessment of a septic system for the new facility.

9/08/10: Village of Herkimer's counter offer to the County includes:
•Requiring the county to pay for all costs incurred for hooking the correctional facility into the village's wastewater treatment plant, including permits, the necessary piping, road repairs, etc.;
•The county paying an annual $58,000 host community benefit to the village for the life of the correctional facility, with an uncapped escalator clause tied to the village's tax rate; and
•The county contributing $800,000 to the village's wastewater treatment plant upgrade project.

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

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

OTHER VARIANCES IN EFFECT – None

STAFF INFORMATION AFTER SITE VISIT (DATE OF LAST VISIT TO FACILITY):
Facility compliance with conditions of variance 06-V-05 was last reviewed on September 28, 2015. Compliance with these conditions was noted.

DATE OF LAST CYCLE VISIT THAT STANDARD VIOLATIONS WERE IDENTIFIED:
April 27 – May 1, 2015.

ANY OPEN MINIMUM STANDARD VIOLATIONS:
None

ANY VIOLATIONS WHICH PERTAIN TO THE VARIANCE'S CONDITIONS:
None

JUSTIFICATION FOR WHY VARIANCE SHOULD OR SHOULD NOT BE EXTENDED:
The facility continues to work with the Commission to maintain the current facility to the best of their ability.

The Commission previously approved the cell package submitted by Herkimer County. On-going litigation continues to delay the project.

REVIEWED BY REGIONAL SUPERVISOR: TM **DATE:** 1/6/16

OFFICIAL USE ONLY:

NOTES OF MEETING: _____

Herkimer County Sheriff's Office

320 North Main St Suite 2900 St Herkimer NY 13350-1949

FAX TRANSMITTAL SHEET

Christopher P Farber, Sheriff

George J Treen, Under Sheriff
Thomas McGrail, Captain

Sheriff's Office /Civil
(315) 867-1167

Correction Facility
(315) 867-1252

SHERIFF'S OFFICE	FAX: (315) 867-1354
CORRECTION FACILITY	FAX: (315) 867-1263
MEDICAL OFFICE	FAX: (315) 867-1258

Company Name	:	NYS Commission of Correction
Contact Person	:	Thomas A. Bellein, Chairman
Phone Number	:	
FAX Number	:	(518) 485-2467
Sender	:	Herkimer County Sheriff's Office
Description	:	Variance / Letters
		HARD COPY MAILED
Number of pages including cover page	:	7
Date Sent	:	11/25/15

THIS FACSIMILE TRANSMISSION MAY CONTAIN CONFIDENTIAL OR PRIVILEGED INFORMATION WHICH IS INTENDED ONLY FOR USE BY THE INDIVIDUAL OR ENTITY TO WHICH THE TRANSMISSION IS ADDRESSED. IF YOU ARE NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISCLOSURE, DISSEMINATION, COPYING OR DISTRIBUTION OF THIS TRANSMISSION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS TRANSMISSION IN ERROR, PLEASE NOTIFY US BY TELEPHONE IMMEDIATELY SO THAT WE CAN ARRANGE FOR THE RETURN OF THE DOCUMENTS TO US AT NO COST TO YOU.

THANK YOU

OFFICE OF

The Herkimer County Sheriff

320 NORTH MAIN STREET – SUITE 2900
HERKIMER, NEW YORK 13350-1949
OFFICE/CIVIL: (315) 867-1167
FAX: (315) 867-1354

THOMAS MCGRAIL, *CAPTAIN*
Correction Facility: (315) 867-1252
Correctional Fax: (315) 867-1263

CHRISTOPHER P. FARBER, SHERIFF
GEORGE TREEN, JR., UNDERSHERIFF

November 24, 2015

Thomas A. Beilein
Chairman
State Commission of Correction
Alfred E. Smith State Office Bldg.
80 S. Swan St., 12th Floor
Albany, NY 12210

Dear Chairman Beilein:

The Herkimer County Sheriff's Office is respectfully requesting an extension of Variance No. 06-V-05 which addresses compliance with provisions of 9NYCRR Section 7028 regarding outdoor recreation space for inmates.

We feel this extension is warranted based on the following facts: (1) The temporary recreation area was constructed and approved under the guidance and frequent inspections of staff from your office, (2) Ten or less inmates utilize the area at one time so as to comply with the less than 1,500 square foot requirement on a 1 ½ hour, 5 days a week schedule, (3) The area does provide for good health and reduces tension of the jail population.

Herkimer County continues to move forward with the construction of a new correctional facility. I therefore am respectfully requesting a 180 day extension on the above mentioned variance. Enclosed please find a copy of a letter addressed to me from our County Administrator regarding the county's position.

We look forward to the continued working relationship that my staff and I have enjoyed the past years with the Commission and its staff.

Respectfully,

Christopher P. Farber, Sheriff
Herkimer County

cc: Hon. Vincent Bono
Hon. Bernard Peplinski
James Wallace, Co. Admin.

HERKIMER COUNTY LEGISLATURE
OFFICE OF THE HERKIMER COUNTY ADMINISTRATOR
JAMES W. WALLACE, JR., *ADMINISTRATOR*
109 MARY STREET – SUITE 1310
HERKIMER, NEW YORK 13350-2913
TELEPHONE: (315) 867-1112 – FAX: (315) 867-1109

November 24, 2015

Dear Sheriff Farber:

The Herkimer County Legislature continues to look forward on building a jail at the "P&C" site. As you are aware, we are currently awaiting a response from the Judge, which we believe is imminent.

Should you need any further information, please do not hesitate to contact me.

Sincerely,

James W. Wallace, Jr.
County Administrator

JWW/bc

cc: Hon. Vincent J. Bono, Herkimer County Legislature Chairman
Hon. Bernard Peplinski, Sr., Public Safety & Emergency Management Committee Chairman
Hon. Patrick E. Russell
Hon. Raymond Smith
Robert Malone, County Attorney

New York State Commission of Correction
80 S. Swan Street, 12th Floor
Albany, New York 12205
518-485-2465
518-485-2467 (Fax)

New	_____
Renewal	_____
Variance #	_____
(SCOC USE ONLY)	

Thomas A. Beilein
Chairman

Variance Application Form

INSTRUCTIONS TO SHERIFF OR CHIEF ADMINISTRATIVE OFFICER:

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

Facility: Herkimer County Correctional Facility

Person requesting: Sheriff Christopher P. Farber

(Sheriff/~~Chief Administrative Officer~~)

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

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

Standard for which the variance is requested:

Part: 7028 Section: 4 Subdivision:

B. In the space provided below include specific plans fully explaining and supporting the alternative manner of compliance. If you are requesting a modification to an existing variance please include that information in the area below as well. (Include or attach any relevant supporting documentation)

See Attached Latter

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

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

180 Days _____ Weeks _____ Months

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

Herkimer County is in the process of formulating plans for a new correctional facility with the construction to start as soon as possible.

F. If this variance request pertains to housing additional inmates, please provide the square footage for the potential housing areas effected (dayspace area, cells, gym, etc.) as well as the number of sinks, shower and toilets for that area. It is also necessary to include the current maximum facility capacity (MFC) for the specific area the variance is requested for as well as how many additional inmates you are requesting to be housed in a particular area.

Housing Area (Name and type, i.e. 1 North, dorm, linear)	Dorms and Cells Sq. Ft.	Number of Sinks	Number of Showers	Number of Toilets	Current MFC	Requested Number of Variance Beds

(If additional space is required please make a copy of this sheet and attach)

(Page _____ of _____)

G. Has this variance been previously approved?

Yes X If yes, include the variance number 06-V-05 No _____

Signature (Sheriff) ~~(Chief Administrative Officer)~~ Date 11-25-15

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

Name of Facility: Madison County Jail Variance # 14-V-04

New: ☐ **Renewal:** ☒ **Relief from Standard:** 7040

Application by: Captain Timothy Flynn **Date Request Rec:** Jan 7, 2016

Last Approved: June, 2015 **Length of Approval: 6 mos** **Expiration: Feb 1, 2016**

Write-up Prepared by: T. D'Alessandro

Recommendation by Field Staff: Approve Six months

Recommendation at Briefing:

Final Recommendation:

SUMMARY OF VARIANCE REQUEST

Facility is requesting to house up to 12 inmates in the indoor exercise area at the Madison County Jail. Facility is requesting variance to maintain housing flexibility of intermittent inmates and to conduct routine maintenance of housing areas such as painting and floor waxing.

VARIANCE HISTORY

7/15 Approved-6 mons

CONSTRUCTION/RENOVATION PLANS

The facility would like to add the indoor exercise room to the existing MFC. Such a request should not be approved due to the fact that showers are not contained within the unit.

OTHER VARIANCES IN EFFECT NONE

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

1/15/16 (Diagram of room included)

DATE OF LAST CYCLE VISIT THAT STANDARD VIOLATIONS WERE IDENTIFIED:

7/15

ANY OPEN MINIMUM STANDARD VIOLATIONS: NONE

ANY VIOLATIONS WHICH PERTAIN TO THE VARIANCE'S CONDITIONS: NONE

JUSTIFICATION FOR WHY VARIANCE SHOULD OR SHOULD NOT BE EXTENDED:

Facility is prepared to embark on a large scale painting project. Housing in the indoor exercise area will permit such and allow facility to properly segregate inmates according to classification when the count exceeds 90% of MFC while simultaneously housing intermittent inmates.

RECOMMENDED CONDITIONS IF APPROVED

1. The county is authorized to house up to 12 inmates in the indoor exercise area at the Madison County Jail.

2. Classification of inmates shall be completed in accordance with Correction Law §500-b and 9 NYCRR, Part 7013, Classification.

3. Inmates who are housed in the above-noted area must be provided with a bunk, cot, or at a minimum a boat to be used as a bed.

4. (New condition) Inmates who are housed in the above noted area must be provided with sufficient tables and chairs so as to allow all inmates to sit at tables during mealtimes

5. Active Supervision must be provided on a 24-hour basis, pursuant to 9NYCRR Section 7003.2(c). Due to the physical plant's construction (i.e., solid windows), a staff post must be maintained within the indoor exercise area at all times.

6. Inmates housed in the above-noted areas receive the same services and programs as the general population.

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

REVIEWED BY REGIONAL SUPERVISOR: **DATE:**

REVIEWED BY DEPUTY DIRECTOR: RL **DATE:** 1/19/16

OFFICIAL USE ONLY:

NOTES OF MEETING: _____

New York State Commission of Correction
80 S. Swan Street, 12th Floor
Albany, New York 12205
518-485-2465
518-485-2467 (Fax)

New	_____
Renewal	_____
Variance #	_____
(SCOC USE ONLY)	

Thomas A. Beilein
Chairman

315 366 2318

Variance Application Form

INSTRUCTIONS TO SHERIFF OR CHIEF ADMINISTRATIVE OFFICER:

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

Facility: Madison County Jail

Person requesting: Timothy Flynn - Captain

(Sheriff/Chief Administrative Officer)

A. State the specific part, section and subdivision of New York State Minimum Standards for which the variance is requested: Example: 7040.3 states that, the total number of inmates confined within each correctional facility shall not exceed the maximum facility capacity of such facility. To request a variance to house additional inmates within the facility the citation should be listed as:
Ex. Part: 7040 Section: 3 Subdivision: n/a

Standard for which the variance is requested:

Part: 7621 Section: 3 Subdivision:

B. In the space provided below include specific plans fully explaining and supporting the alternative manner of compliance. If you are requesting a modification to an existing variance please include that information in the area below as well. (Include or attach any relevant supporting documentation)

The facility indoor exercise room would be used as an overflow housing unit as an open dorm unit. It would also be used (when needed) to house inmates from other housing units due to routine maintenance, such as painting and floor waxing. We would like to have the flexibility of housing intermittent inmates if needed to reduce or eliminate contraband issues

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

Maintain the flexibility of housing intermittent inmates if needed to reduce or eliminate contraband issues. it would also also be used to house inmates from other housing units due to routine maintenance such as painting and floor waxing and at times when exceeding the MFC.

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

_____ Days _____ Weeks 12 Months

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

Although this request is for twelve (12) months, it would be in actual use for short time periods. For example 48 to 72 hours at a time for intermittent or the routine maintenance. There would be no plans to utilize this area as a long term housing unit, such as weeks or months of continuous use with out first notifying the SCOC.

F. If this variance request pertains to housing additional inmates, please provide the square footage for the potential housing areas effected (dayspace area, cells, gym, etc.) as well as the number of sinks, shower and toilets for that area. It is also necessary to include the current maximum facility capacity (MFC) for the specific area the variance is requested for as well as how many additional inmates you are requesting to be housed in a particular area.

Housing Area (Name and type, i.e. 1 North, dorm, linear)	Dorms and Cells Sq. Ft.	Number of Sinks	Number of Showers	Number of Toilets	Current MFC	Requested Number of Variance Beds
Indoor exercise room	1,540	1	2 in flex unit	1	0	12

(If additional space is required please make a copy of this sheet and attach)

(Page _____ of _____)

G. Has this variance been previously approved?

Yes X If yes, include the variance number 14-V-04 No _____

Irving M 78 - Captain 1/7/16

Signature (Sheriff) (Chief Administrative Officer) Date

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

Name of Facility: NYSDOCCS, Clinton Annex & Wallkill CF Variance # 12-V-06

New: ☐ **Renewal:** X **Relief from Standard:** (Section 7621.3 Facility Population Limitation)

Application by: ACTG Commissioner Annucci **Date Request Rec:** November 23, 2015

Last Approved: January 2015 **Length of Approval:** 1 Year **Expiration:** February 1, 2016

Write-up Prepared by: Paul D. Annetts CFS II

Recommendation by Field Staff: 1 Year Approval

Recommendation at Briefing:

Final Recommendation:

SUMMARY OF VARIANCE REQUEST

Double Bunking Program Variance for Clinton CF Annex and Wallkill CF.

Facility	Total Beds	Date of Site Visit
Clinton CF Annex	11	12/15/2015
Wallkill CF	72	01/12/2016

Total Beds Requested: 83

Clinton Annex

Double-bunking at the Clinton Annex consists of rooms. Locations and programs at the Annex are as follows:

Bldg. #11-2 (11 Rooms) (Total Capacity 39: 8 toilets/ 4 sinks/ 3 showers) (Food Service)

11-2-1 (T/B) 11-2-2 (T/B) 11-2-4 (T/B) 11-2-5 (T/B) 11-2-6 (T/B)
11-2-7 (T/B) 11-2-8(T/B) 11-2-9 (T/B) 11-2-10 (T/B) 11-2-11 (T/B)
11-2-12 (T/B)

TOTAL DOUBLE BUNKS: 11

Wallkill CF

Double-bunking at the Wallkill CF consists of cells used for the Medium Security Close to Home and Free Bus Program. The location double-bunked beds are as follows:

Block	Cell #s	Total
A1 – B1 (102 inmates)	5(2), 6(2), 13(2), 14(2), 29, 30, 37, 38	12
A2 – B2 (102 Inmates)	5(2), 6(2), 13(2), 14(2), 29, 30, 37, 38	12
A3 – B3 (102 Inmates)	5(2), 6(2), 13(2), 14(2), 29, 30, 37, 38 12	12
C1 - D1 (102 Inmates)	5, 6, 13, 14, 29(2), 30(2), 37(2), 38(2)	12

C2 - D2 (102 Inmates)	5, 6, 13, 14, 29(2), 30(2), 37(2), 38(2)	12
C3 - D3 (102 Inmates)	5, 6, 13, 14, 29(2), 30(2), 37(2), 38(2)	12

All units have 8 toilets, 16 sinks, 4 urinals and 6 showers

TOTAL DOUBLE BUNKS: 72

RECOMMENDED CONDITIONS IF APPROVED

At the Janaury 20, 2016 meeting this variance will be presented before the Commission. If approved the following conditions should be included in the approval letter.

Condition No. 1:

All variance space shall conform to the totals listed in the previous section.

Condition No.2:

For the duration of the variance period, DOCCS shall provide the Commission with monthly status reports documenting all unusual incidents as that term is defined by the Department, regardless of the location in the facility where such incidents occur. In addition, the status report shall include all incidents involving inmate on inmate assaults, inmate on staff assaults, and incidents involving the use of force, whether or not they result in injury to staff or inmates. The term assault is used in its broadest sense. All inmates fighting shall be reported by location or occurrence within the affected facilities, and whether or not there is resulting injury to staff or inmates.

Condition No. 3:

DOCCS shall provide the Commission with the Monthly Report on Disciplinary Activities for each variance facility. Data shall be provided for each month of the variance period.

VARIANCE HISTORY

New number 12-V- 06 when converted to program variance in 2012, Historical Variance # 07-V-04 when all double bunking variance were combined in 2007, and 95-V-11 Clinton Annex and 98-V-21 Wallkill CF prior.

2015- Recommendation Approval
Action Approved at 01/15 Meeting
Length of Variance 1 Year
Conditions, if changed: See revised conditions above

2014- Recommendation Approval
Action Approved at 01/14 Meeting
Length of Variance 1 Year
Conditions, if changed: See revised conditions above

2013- Recommendation Approval
Action Approved at 01/13 Meeting
Length of Variance 1 Year
Conditions, if changed: See revised conditions above

2012- Recommendation Approval
Action Approved at 01/12 Meeting
Length of Variance 1 Year
Conditions, if changed: See revised conditions above

2011- Recommendation Approval
Action Approved at 10/11 Meeting
Length of Variance 3 months
Conditions, if changed: See revised conditions above

2010 - Recommendation Approval
Action Taken Approved at 10/10 Meeting
Length of Variance One Year
Conditions, if changed: See revised conditions above

2009 - Recommendation Approval
Action Taken Approved at 10/09 Meeting
Length of Variance One Year
Conditions, if changed: See revised conditions above

2008 - Recommendation Approval
Action Taken Approved at 10/08 Meeting
Length of Variance One year
Conditions, if changed: See revised conditions above

2007- Recommendation Approval
Action Taken Approved at 10/07 Meeting
Length of Variance One year
Conditions, if changed: See revised conditions above

2007 - Recommendation Approval
Action Taken Approved at 8/07 Meeting
Length of Variance 60 days
Conditions, if changed:

CONSTRUCTION/RENOVATION PLANS

Clinton CF – Dorm Renovation Project

OTHER VARIANCES IN EFFECT

None

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

See attached memos

DATE OF LAST CYCLE VISIT THAT STANDARD VIOLATIONS WERE IDENTIFIED:

N/A

ANY OPEN MINIMUM STANDARD VIOLATIONS:

None

ANY VIOLATIONS WHICH PERTAIN TO THE VARIANCE'S CONDITIONS:

None

JUSTIFICATION FOR WHY VARIANCE SHOULD OR SHOULD NOT BE EXTENDED:

Recommendation is to approve the extension of this variance. The NYS DOCCS has determined that the programmatic needs of the affected inmates cannot be achieved, or will be adversely impacted without the continuation of the housing flexibility permitted under this variance.

REVIEWED BY REGIONAL SUPERVISOR: **DATE:** 1/13/16

OFFICIAL USE ONLY:

NOTES OF MEETING: _____

NEW YORK STATE | Corrections and Community Supervision

ANDREW M. CUOMO
Governor

ANTHONY J. ANNUCCI
Acting Commissioner

STATE OF NEW YORK
RECEIVED
NOV 25 2015
STATE COMMISSION
OF CORRECTION

November 23, 2015

Honorable Thomas Beilein
Chairman and Commissioner
State Commission of Correction
Alfred E. Smith State Office Building
80 S. Swan Street, 12th Floor
Albany, NY 12210

Dear Chairman Beilein:

The purpose of this letter is to request an additional one-year extension for the 11 variance beds that are located at the Clinton Correctional Facility Annex, and the 72 variance beds that are located at Wallkill Correctional Facility. The Department has a continuing need for these beds at this time, and the variances listed below are otherwise scheduled to expire on February 1, 2016.

Facility	Historical Variance #	Total Beds
Clinton Annex	95-V-11	11
Wallkill CF	98-V-21	72
	Total =	**83**

As you may recall, the Department's two prior submissions were based entirely on the Commission's revisions to Part 7603 of Title 9 of the New York Codes, Rules and Regulations (NYCRR), to permit a variance for programmatic or other important inmate needs.

With respect to the 72 beds at Wallkill Correctional Facility, a medium security facility, these beds are still needed because they will continue to serve an important inmate need, i.e., the need for area of preference beds. In prior submissions, it was explained in great detail that the closure of Arthur Kill and Mid-Orange Correctional Facilities meant that approximately 1,500 area of preference beds were no longer available for inmates who were committed from New York City and the adjacent counties. Furthermore, a large number of other medium security facilities, such as Bare Hill, Franklin, Altona, Ogdensburg, Riverview, Cape Vincent, Watertown, Collins, Gowanda and Wyoming, pose enormous travel times and distances for visitors from New York City.

In prior submissions, it was also noted that the Free Bus Program, which permitted family members to visit these distant facilities without having to pay the cost of transportation, had to be discontinued due to the fiscal crisis. This situation continues at the present time and no restoration of funding for this purpose is envisioned for the upcoming fiscal year.

It was also noted in the prior submission that inmate area of preference movement has slowed to the point where the Department determined it needed to change the frequency for transfer reviews. The change, which the Department implemented on July 1, 2012, reduced the frequency for Offender Scheduled Transfer reviews from a quarterly basis to a semi-annual basis.

It was also explained in prior submissions that area of preference beds fulfill a very important need for the inmate population, as well as other needs. Visitation by family members, including the children of incarcerated parents, as well as friends and community representatives, can occur with much greater frequency at facilities that are geographically close to the communities where these individuals live and work and where the inmates ultimately will be released.

It has also been noted that a much greater emphasis has been placed upon the ability of an incarcerated parent to maintain a relationship with a child that has been placed in foster care. Pursuant to Chapter 113 of the Laws of 2010, among other things, the Department is now required to work closely with Social Service agencies to set up visitation in specific cases as warranted. Presently, there continues to be significant legislative interest in doing more in order to facilitate visitation between incarcerated parents and their children.

Finally, as was also noted in the prior submissions, Wallkill is a medium B security correctional facility. There are four other medium security facilities, somewhat comparable to Wallkill, that are considered area of preference facilities for male inmates in the Southern Tier and they are Fishkill, Otisville, Ulster and Woodbourne. However, these four facilities are still classified as medium A facilities and their populations continue to be close to their maximum facility capacities. Therefore, they cannot, at this time, be considered as suitable facilities to absorb some or all of the existing 72 Wallkill variance beds.

All of the above reasons have not changed and therefore, the Department requests that the 72 variance beds at Wallkill be approved for an additional one-year period since they address an important inmate program need and since it is not envisioned that the overall population demographics will allow for a possible redistribution during this period.

Similarly, the Department also requests that the variance for the beds at the Clinton Annex also be approved for an additional one-year period with a reduction. In prior submissions to the Commission, it was carefully detailed why these variance beds serve important inmate program needs. In particular, the program needs pertained to participation in substance abuse treatment and participation in outside clearance projects. Ample supporting documents were also provided in prior submissions to the Commission, which I have been informed, are still contained in your files.

In addition, the Annex at Clinton is classified as a maximum B security facility. There has been a slight reduction in the overall demand for maximum security bed space and the Department has determined that this reduction presents an opportunity to dismantle 16 of the 27 beds, returning them to single-bed rooms. Additionally, a minor construction project is scheduled to be completed in the spring of 2016 which will modify the physical structure to remove individual rooms while maintaining the same capacity. Specifically, the Department has dismantled the top bunks from:

Building #10-1 (8 rooms)
Cells 10-1-1 (T), 10-1-2 (T), 10-1-3 (T), 10-1-4 (T), 10-1-5 (T), 10-1-6 (T), 10-1-7 (T), 10-1-8 (T).

Building #10-2 (8 rooms)
Cells 10-2-1 (T), 10-2-2 (T), 10-2-3 (T), 10-2-4 (T), 10-2-5 (T), 10-2-6 (T), 10-2-7 (T), 10-2-8 (T).

Therefore, the Department requests the continuation of the variance for 11 beds in the Clinton Annex (Building #11-2) for one additional year. Thank you for your consideration of this request.

Sincerely,

Anthony J. Annucci
Acting Commissioner

cc: Anne Marie McGrath, Associate Commissioner for Population Management
Michael Kirkpatrick, Superintendent – Clinton C.F.
Catherine Jacobsen, Superintendent – Wallkill C.F.

MEMORANDUM

TO: Chairman Beilein, Commissioner Ross and Commissioner Loughren

FROM: Donald Lincourt, CFS I

RE: Site visit to Clinton CF to monitor Double Bunking Variance 95-V-11

DATE: December 15, 2015

On November 18, 2015, Commission staff members Donald Lincourt and Larry Roe conducted a site visit to the Clinton Correctional Facility for purpose of reviewing double-bunking at the Annex. Commission staff met with and were escorted by Captain Daniel Holdridge on the tour of the Annex. We conducted an exit interview with Captain Holdridge at the conclusion of our tour.

Double-bunking at the Annex consists of rooms. Locations at the Annex are as follows:

Bldg. #11-2 (11 rooms) (Total Capacity 39: 8 toilets/ 4 sinks/ 3 showers) (Outside workers)

11-2-1 (T/B) 11-2-2 (T/B) 11-2-3 (T/B) 11-2-5 (T/B) 11-2-6 (T/B)
11-2-7 (T/B) 11-2-8(T/B) 11-2-9 (T/B) 11-2-10 (T/B) 11-2-11 (T/B)
11-2-12 (T/B)

TOTALS: ROOMS 11
11 Total

Note Rooms 10-1-1 (T/B), 10-1-2 (T/B), 10-1-3 (T/B), 10-1-4 (T/B), 10-1-5 (T/B) 10-1-6 (T/B), 10-1-7 (T/B), 10-1-8 (T/B), 10-2-9 (T/B), 10-2-10 (T/B), 10-2-11 (T/B), 10-2-12 (T/B), 10-2-13 (T/B), 10-2-14 (T/B), 10-2-15 (T/B), 10-2-16 (T/B) were removed from the variance per the Departments request. Room 11-2-4 is rated as a two person room in the MFC based upon 102 Sq. Ft. room size.

Food Services (Annex)

Food Service Personnel consists of:

1 Food Service Manager
1 Assistant Food Service Manager
2 Head Cooks
2 Cooks

The food service staff estimated that it takes approximately 30 – 40 minutes to complete a meal.

Meal times are as follows:

Breakfast:	6:15 am - 6:45 am (Inmate workers)
	7:00 am - 7:55 am (General Population Inmates)
	8:20 am - 8:45 am (GP inmates)
Lunch:	10:00 am - 10:30 am (Inmate workers)
	10:30 am - 11:10 pm (GP inmates)
	11:30 am - 12:15 pm (GP inmates)
Dinner:	4:00 pm - 4:30 pm (Inmate workers)
	4:30 pm - 5:15 pm (GP inmates)
	5:20 pm - 5:45 pm (GP inmates)

Facility Overview

The Clinton Correctional Facility is a maximum security facility for general confinement male inmates aged 16 or older. It is also a reception center for males 16 or older at the time of sentencing. The programs at the facility include RSAT, Network, ICP and a TRI ICP program. Also, the Office of Mental Health (OMH) operates a satellite unit at the facility as well. Clinton Annex's population as of the date of our visit is 834 inmates.

Medical Services

According to facility staff, medical services continue to operate without any adverse effects from double bunking. The following are the staffing levels for the Medical Department:

4 Doctors
1 N.P.
1 Nurse Administrator
23 Nurses
3 Pharmacists
1 X ray technician

Morning sick call is held Monday through Friday at 7:30 am. Approximately 40-60 inmates per day are seen during sick call. Clinton C.F. uses the Champlain Valley Physicians Hospital for emergencies.

The following are the staffing levels for the Dental Department:

1 Dentists shared with Great Meadow CF
3 Dental Assistants

Staffing at the Annex

Security Staffing Levels

1 Assistant Deputy Superintendent of Program
1 Captains
5.5 Lieutenants
13 Sergeants
250 Correctional Officers

Complaints/Grievances

No double bunked inmates voiced any complaints to Commission staff during the tour.

Construction & Renovation

There were no other construction or renovation projects being worked on which would directly impact the double bunking variance at Clinton C.F.

Sanitation

Commission staff noted the facility to be exceptionally clean in all areas toured. No major service disruptions were observed nor reported from the inmates during the tour.

Miscellaneous

Commission staff observed extremely well-maintained housing units for the double-bunking program at the Annex. Finally, throughout the tour of the Annex, facility staff was extremely cooperative and courteous to Commission staff. Clinton Annex has added time recording devices for watch tour supervisory visits since 2014.

Recommendation

Commission staff recommends the continuation of this variance based upon need and lack of issues with the double-bunking program at the Annex.

MEMORANDUM

TO: William Benjamin, CFS III

FROM: Paul D. Annetts, CFS II

RE: 01.12.2016 Site visit to the Wallkill Correctional Facility to review Double Bunking Variance # 12-V-06

DATE: January 13, 2016

On January 12, 2016, Commission staff members Paul D. Annetts conducted a site visit to Wallkill Correctional Facility for the purpose of reviewing the double-bunking variance. Captain Neuwirth and Sgt. E. McGirr met with and escorted Commission staff for the tour of the facility. As of this date, the following double-bunked beds were in effect:

Block*	Cell #s	Total
A1 – B1 (102 inmates)	5(2), 6(2), 13(2), 14(2), 29, 30, 37, 38	12
A2 – B2 (102 Inmates)	5(2), 6(2), 13(2), 14(2), 29, 30, 37, 38	12
A3 – B3 (102 Inmates)	5(2), 6(2), 13(2), 14(2), 29, 30, 37, 38	12
C1 - D1 (102 Inmates)	5, 6, 13, 14, 29(2), 30(2), 37(2), 38(2)	12
C2 - D2 (102 Inmates)	5, 6, 13, 14, 29(2), 30(2), 37(2), 38(2)	12
C3 - D3 (102 Inmates)	5, 6, 13, 14, 29(2), 30(2), 37(2), 38(2)	12
	TOTAL =	72

*Two blocks with one officer posted between constitutes one housing floor within the buildings. (A-1 + B-1, C-1 + D-1, etc.) All units have 8 toilets, 16 sinks, 4 urinals and 6 showers available for inmate use. At the time of the site visit, all toilets, sinks, and showers were in good operating condition. In addition, all areas were found to be extremely clean and well maintained.

Medical Services

Discussions with facility staff revealed that the Medical Department is operating without any adverse effects from double-bunking. The facility is medically staffed 16 hours per day seven days a week. If needed, emergency room services are provided by St. Luke's Hospital which is approximately 15-minutes from the facility or for emergency medical services Albany Medical Hospital is utilized. Subsequently, facility staff expressed that dental services are also being provided without any adverse effects from double-bunking. There is a 7:40 am sick call and the facility medical personal average seeing about 15 inmates a day during sick call.

Medical Staffing Levels

1 Doctor
1 Nurse Administrator
2 Full time R.N.'s
3 Part time R.N.'s
5 Per Diem staff

Food Services

Discussions with facility staff revealed that all food service equipment was operable at the time of the site visit. No meals at Wallkill are mandatory. Inmates have the ability to warm food on all of the housing units. Currently, Wallkill is utilizing Quik-Chill to service their population.

Meal Times

Breakfast 7:15 am
Lunch 11:30 am
Dinner 4:15 pm

Optics Program

This long running facility program has been in operation at the facility since 1981. Currently, the Optics program produces approximately ten thousand pairs of eyeglasses each month.

Facility Farms

Within the 1200-acre facility grounds there is a horse farm. The horse farm maintains thoroughbred race horses which have been retired.

Security Staffing Levels

1 Deputy Superintendent of Security
1 Captain
7 Lieutenants
10 Sergeants (Total 11)
154 Correctional Officers (Total 154)

Grievances

Commission staff did not receive any complaints from the inmate population while touring all of the double bunked units.

Construction

Currently, there is no construction or renovation projects being worked on which directly impact the double bunking variance at the Wallkill C.F.

Conclusion

Wallkill Correctional Facility is a well run and maintained facility. Facility staff was extremely courteous and cooperative to Commission staff throughout the tour. Also, Commission staff heard no complaints or concerns from any inmates. All of the above information was discussed with Superintendent C. Jacobsen and Captain J. Neuwirth at the end of the tour.

NEW YORK STATE | Commission of Correction

FROM: Chairman Thomas A. Beilein **DATE: November 25, 2015**

SENDER: **Commissioner Anthony Annucci**

AGENCY: NYS DOCCS

DATE OF ORIGINAL RECEIVED: **November 23, 2015**

REF: One Year Extension for 95V11 and 98V21

DOCUMENT DESCRIPTION: **Letter**

CHAIRMAN'S COMMENTS:

----------Routing Information----------

REGIONAL SUPERVISOR: Benjamin

CC:

Name of Facility: **Onondaga County Justice Center** Variance # **13-V-03**

New: Renewal: X Number of renewals: 18

Relief from Standard #7040.3 Application by: Chief Esteban Gonzalez Date rec.: 12/08/15

Beds at standard: 671 Current Population: 565 (1/19/16) 79.9%

Beds Requested This Variance: 36 Variance Beds This Facility: 36

Last Approved: 8/15 Length of Variance: 6 months

Recommendation: Approval Length Recommended: 6 Months By: Todd D'Alessandro

SUMMARY OF VARIANCE REQUEST

Chief Esteban Gonzalez is requesting to renew this variance which authorizes the facility to double-cell inmates in each of the 100 sq. ft. cells on the upper level of the following areas: Pods 2A, 2B, 2C, 3A, 3B, 3C, 4A, 4B and 4C. This would allow the justice center to house an additional 36 inmates.

RECOMMENDED CONDITIONS

At the January 20, 2016 Commission Meeting this variance will be presented before the Commission. The following conditions were included in the previous approval letter regarding this variance.

1) The county is authorized to double-cell in each of the 100 sq. ft. cells on the upper level of the following areas:

Pods	MFC	Increase	Total
2A	60	4	64
2B	60	4	64
2C	60	4	64
3A	60	4	64
3B	60	4	64
3C	60	4	64
4A	60	4	64
4B	60	4	64
4C	60	4	64

TOTAL = 36

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

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

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

5) Commission staff must monitor the effects of the double-celling program on staff and inmates as well as the general operation of the facility.

6) The facility must maintain information on all double-celled inmates which shall include, but is not limited to: (a) name and location of the inmate; (b) date of entrance into and release from double-celling; and (c) reason for release. These records shall be made available to Commission staff upon request.

7) The facility will monitor its double-celling plan by tracking rates of incidents, grievances, and complaints directly related to double-celling. This summary documentation will be made available to Commission staff upon request.

8) The county shall continue its double-celling according to the double-celling plan submitted and approved by the Commission. The county shall advise the Commission of any substantive changes to the double-celling plan.

9) The county ***must*** comply with the temporary rated capacity of **713** for the Onondaga County Justice Center. When the county experiences an overflow, inmates ***must*** be boarded-out to other counties.

10) One (1) additional officer shall be assigned in each of the above-noted pods on the 8:00 a.m.- 4:00p.m. and 4:00 p.m. – 12:00 a.m. tours, for a total of two (2) staff on these tours when the population exceeds sixty (60) inmates. Further, the facility shall observe the current staffing requirement of one (1) officer assigned to each pod on the 12:00 a.m. – 8:00 a.m. tour.

11) That the facility maintains within the respective housing area logbooks/automated systems an ongoing total count of inmates and staff present within the area.

12) When the total population of any housing unit exceeds 60 inmates, the department shall submit to the Commission on a weekly basis, a report which states the population of the housing area and the names of the officers assigned to supervise those areas.

13) When an inmate requires the use of a handicapped cell based on a physical handicap, the inmate shall be provided a 100 sq. ft. cell and this cell will ***not*** be double-celled.

14) All inmate assigned to a double-cell should be the same security classification.

15) Commission staff will make periodic ***unannounced*** site visits to the Onondaga County Justice Center in order to ascertain compliance with the above noted conditions.

HISTORY

2015-	Recommendation	Approval
	Action Taken	Approved at 08/18 Meeting
	Length of Variance	6 months
	Conditions, if changed	
2015-	Recommendation	Approval
	Action Taken	Approved at 02/18 Meeting
	Length of Variance	6 months
	Conditions, if changed	

2014- Recommendation Approval
Action Taken Approved at 8/26 Meeting
Length of Variance 6 months
Conditions, if changed

2014- Recommendation Approval
Action Taken Approved at 2/17 Meeting
Length of Variance 6 months
Conditions, if changed

2013- Recommendation Approval
Action Taken Approved at 12/17 Meeting
Length of Variance 2 months
Conditions, if changed

2013- Recommendation Approval
Action Taken Approved at 3/19 Meeting
Length of Variance 6 months
Conditions, if changed

2009- Recommendation Approval
Action Taken Approved at 12/15 Meeting
Length of Variance 1 year
Conditions, if changed

2008- Recommendation Approval
Action Taken Approved at 12/16 Meeting
Length of Variance 1 year
Conditions, if changed

2008- Recommendation Approval
Action Taken Approved at 11/18 Meeting
Length of Variance 30 days
Conditions, if changed

2008- Recommendation Approval
Action Taken Approved at 10/22 Meeting
Length of Variance 30 days
Conditions, if changed

2008- Recommendation Approval
Action Taken Approved at 9/16 Meeting
Length of Variance 30 days
Conditions, if changed

2007- Recommendation Approval
Action Taken Approved at 9/07 Meeting
Length of Variance 1 year
Conditions, if changed

2006- Recommendation Approval
Action Taken Approved at 9/06 Meeting
Length of Variance 1 year
Conditions, if changed

2005- Recommendation Approval
Action Taken Approved at 9/05 Meeting
Length of Variance
Conditions, if changed

2005- Recommendation Approval
Action Taken Approved a 6/21/05 Meeting
Length of Variance 3 months
Conditions, if changed from original variance

2004- Recommendation Approval
Action Taken Approved at 07/13/04 Meeting
Length of Variance 6 months
Conditions, if changed from first variance SAME

2003- Recommendation Approval
Action Taken Approved at October 28, 2003
Length of Variance 6 months
Conditions, if changed from first variance SAME

2002- Recommendation Deny
Action Taken Denied at the 12/17/02 Meeting
Length of Variance N/A
Conditions, if changed from first variance SAME

2002- Recommendation Approval
Action Taken Approved at 09/16/02 Meeting
Length of Variance 3 months

FACILITY SITE VISIT

Last reviewed for this variance on: January 14, 2016 ***By:*** Todd D'Alessandro

Outstanding issues: Over-population

Open violations that relate to the variance request: Over-population

CONSTRUCTION/RENOVATION PLANS

Construction progress, if building additional capacity: In planning stages to build an additional level/housing area on existing structure.

OTHER VARIANCES IN EFFECT

Variance # 95-V-21 (Perm.): This variance allows the justice center to sell Rx in the commissary.

Variance # 96-V-31 (Perm.): This variance allows inmates at the justice center to possess Rx.

MISCELLANEOUS

This variance should be extended for six (6) months in order to give the facility the opportunity to comply with the classification standard. (This was previously Variance # 02-V-06)

New York State Commission of Correction
80 S. Swan Street, 12th Floor
Albany, New York 12205
518-485-2465
518-485-2467 (Fax)

New	_____
Renewal	_____
Variance #	_____
(SCOC USE ONLY)	

Thomas A. Beilein
Chairman

Variance Application Form

INSTRUCTIONS TO SHERIFF OR CHIEF ADMINISTRATIVE OFFICER:

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

Facility: Onondaga County Sheriff's Office Justice Center

Person requesting: Estaban Gonzalez

(Sheriff/Chief Administrative Officer)

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

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

Standard for which the variance is requested:

Part: 7040 Section: 3 Subdivision:

B. In the space provided below include specific plans fully explaining and supporting the alternative manner of compliance. If you are requesting a modification to an existing variance please include that information in the area below as well. (Include or attach any relevant supporting documentation)

Modification is not requested. This request is to seek and obtain continued approval of variance 02-V-06, original variance from September 2002, now 13-V-03.

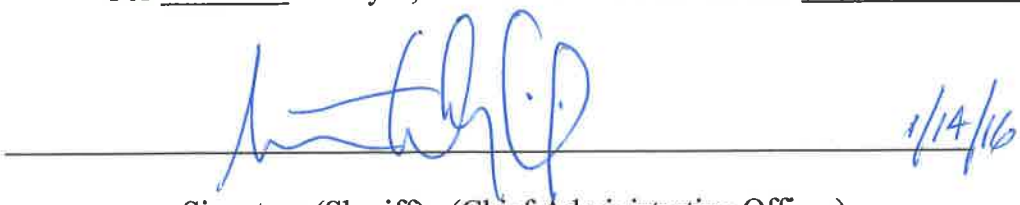
F. If this variance request pertains to housing additional inmates, please provide the square footage for the potential housing areas effected (dayspace area, cells, gym, etc.) as well as the number of sinks, shower and toilets for that area. It is also necessary to include the current maximum facility capacity (MFC) for the specific area the variance is requested for as well as how many additional inmates you are requesting to be housed in a particular area.

Housing Area (Name and type, i.e. 1 North, dorm, linear)	Dorms and Cells Sq. Ft.	Number of Sinks	Number of Showers	Number of Toilets	Current MFC	Requested Number of Variance Beds
Housing Pod 2A	100	56	7	56	60	+4 to 64
Housing Pod 2B	100	56	7	56	60	+4 to 64
Housing Pod 2C	100	56	7	56	60	+4 to 64
Housing Pod 3A	100	56	7	56	60	+4 to 64
Housing Pod 3B	100	56	7	56	60	+4 to 64
Housing Pod 3C	100	56	7	56	60	+4 to 64
Housing Pod 4A	100	56	7	56	60	+4 to 64
Housing Pod 4B	100	56	7	56	60	+4 to 64
Housing Pod 4C	100	56	7	56	60	+4 to 64
Housing Pod 5C	100	56	7	56	60	+4 to 64

(If additional space is required please make a copy of this sheet and attach)

G. Has this variance been previously approved?

Yes X If yes, include the variance number 13-V-03 No _____



1/14/16

Signature (Sheriff) (Chief Administrative Officer) Date

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

New York State Commission of Correction

Information as Provided by Facilities via Jails Daily Population Reporting System

01/19/16

Facility Name	Std Beds	Var Beds	Tot Cap	Tot Count	% Total	% Std Beds	Brded In	St Rdy Total	Par Viol	Fed Inmts	% Brders Tot Pop	Brded Out	% Brded Out	Minor M/F	Intrmt Total	Un arraig ed M/
Albany County Jail	1043	0	1043	613	58.8%	58.8%	41	38	34	55	15.7%	0	0.0%	10	0	
Allegany County Jail	164	0	164	119	72.6%	72.6%	0	0	4	64	53.8%	0	0.0%	0	1	
Broome County Jail	536	0	536	492	91.8%	91.8%	1	7	12	13	2.8%	2	0.4%	3	0	
Cattaraugus County Jail	150	0	150	129	86.0%	86.0%	0	3	4	19	14.7%	1	0.9%	3	0	
Cayuga County Jail	214	0	214	174	81.3%	81.3%	8	4	14	23	17.8%	0	0.0%	5	0	
Chautauqua County Jail	303	0	303	276	91.1%	91.1%	1	0	3	33	12.3%	0	0.0%	7	0	
Chemung County Jail	264	0	264	162	61.4%	61.4%	6	1	11	0	3.7%	0	0.0%	5	0	
Chenango County Jail	166	0	166	98	59.0%	59.0%	1	2	0	7	8.2%	0	0.0%	1	1	
Clinton County Jail	300	0	300	209	69.7%	69.7%	0	0	19	36	17.2%	1	0.6%	2	1	
Columbia County Jail	135	0	135	112	83.0%	83.0%	24	0	8	4	25.0%	0	0.0%	1	0	
Cortland County Jail	90	3	93	78	83.9%	86.7%	1	5	7	0	1.3%	1	1.3%	1	0	
Delaware County Jail	121	0	121	72	59.5%	59.5%	0	0	8	3	4.2%	0	0.0%	2	1	
Dutchess County Jail	292	200	492	405	82.3%	138.7%	0	1	30	0	0.0%	11	2.6%	4	0	
Erie County - Yankee Compou	90	0	90	0	0.0%	0.0%	0	0	0	0	0.0%	0	0.0%	0	0	
Erie County Correctional Fa	794	66	860	694	80.7%	87.4%	0	0	56	0	0.0%	0	0.0%	30	0	
Erie County Jail	640	0	640	456	71.2%	71.2%	0	3	40	25	5.5%	0	0.0%	12	0	
Essex County Jail	126	0	126	54	42.9%	42.9%	6	1	0	17	42.6%	0	0.0%	1	0	
Franklin County Jail	127	0	127	94	74.0%	74.0%	0	0	8	0	0.0%	1	1.1%	0	0	
Fulton County Jail	169	0	169	89	52.7%	52.7%	9	0	5	0	10.1%	0	0.0%	6	0	
Genesee County Jail	87	10	97	80	82.5%	92.0%	0	0	12	1	1.2%	17	17.7%	0	6	
Greene County Jail	56	0	56	48	85.7%	85.7%	0	0	6	0	0.0%	24	33.3%	0	0	
Hamilton County Jail	6	0	6	2	33.3%	33.3%	0	0	0	0	0.0%	0	0.0%	0	0	
Herkimer County Jail	41	0	41	33	80.5%	80.5%	0	3	4	0	0.0%	36	52.2%	1	0	
Jefferson County Jail	196	0	196	172	87.8%	87.8%	0	1	13	0	0.0%	13	7.0%	6	0	
Lewis County Jail	42	0	42	35	83.3%	83.3%	0	1	3	0	0.0%	0	0.0%	0	0	
Livingston County Jail	194	0	194	136	70.1%	70.1%	26	1	10	24	36.8%	1	1.1%	2	0	
Madison County Jail	126	12	138	92	66.7%	73.0%	1	5	3	4	5.4%	0	0.0%	1	2	
Monroe County Correctional	496	0	496	319	64.3%	64.3%	0	0	15	0	0.0%	0	0.0%	0	1	
Monroe County Jail	1171	0	1171	1069	91.3%	91.3%	1	21	110	64	6.1%	5	0.5%	40	0	
Montgomery County Jail	177	0	177	119	67.2%	67.2%	1	4	6	5	5.0%	0	0.0%	1	2	
Nassau County Jail Correcti	1879	26	1905	1099	57.7%	58.5%	8	1	31	34	3.8%	5	0.5%	36	0	
Niagara County Jail	449	56	505	404	80.0%	90.0%	1	3	13	115	28.7%	0	0.0%	10	0	
Oneida County Jail	638	0	638	467	73.2%	73.2%	31	5	22	26	12.2%	1	0.2%	9	0	
Onondaga County Correctiona	512	58	570	484	84.9%	94.5%	64	0	76	11	15.5%	10	2.4%	0	0	
Onondaga County Jail	671	36	707	565	79.9%	84.2%	12	12	3	2	2.5%	64	10.4%	26	0	

Name of Facility: **ONONDAGA PENITENTIARY** Variance # **13-V-10**

New: Renewal: X Number of renewals: 1

Relief from Standard # 7040.5 MFC Application by: Comm Tim Cowin Date rec.: 12/2/15

Beds at standard: 512 Variance Beds: 58 Current Population: 484 %: 84.9 (1-19-16)

Last Approved: 11/14 Length of Approval: 1 Year Expiration: 11/15

Recommendation: APPROVE Length Recommended: 1 year By: Todd D'Alessandro

SUMMARY OF VARIANCE REQUEST

Because the inmate population continues to increase as a result of boarding in inmates from the Onondaga Justice Center, the Onondaga Penitentiary is requesting relief from Part 7040.5(a), Maximum Facility Capacity of the *Minimum Standards*. The facility is requesting to utilize a program room within one of its 60-bed dormitory-type units (Unit 5) to house up to six (6) weekenders during the weekends. These inmates will be afforded the same supervision, privileges and services that are afforded to the general population.

RECOMMENDED CONDITIONS

(1) That the penitentiary is authorized to house six (6) additional inmates in the Program Room of Unit # 5 for a total of six (6) variance beds.

(2) That the facility shall assign an additional officer whenever the total population of Unit 5 exceeds sixty (60) inmates on any given shift.

(3) That the facility maintains within the respective housing area a logbook or recording via automated system on ongoing total count of inmates and staff present within the unit.

(4) That inmates housed in the room be provided with a bunk, cot, or at a minimum a 'boat' to be used as a bed.

(5) That 'active supervision' must be provided on a 24-hour basis, pursuant to 9NYCRR Section 7003.2c.

(6) That inmates housed in the above-noted areas receive the same services and programs as the general population.

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

HISTORY

11/14 Approved for 12 months
11/13 New Variance-Approved

FACILITY SITE VISIT

Site Visit Date: 1/14/16 ***By:*** Todd D'Alessandro

Outstanding issues: None.

Open violations that relate to the variance request: None.

CONSTRUCTION/RENOVATION PLANS

Construction progress, if building additional capacity: None.

OTHER VARIANCES IN EFFECT

02-V-10 – Double Celling
99-V-16 – Day Space-Unit 1
95-V-18 – Sell OTC in Commissary (Permanent variance)
96-V-32 – RX by inmates (Permanent variance)

MISCELLANEOUS INFORMATION

The unit contains 7 sinks, 6 toilets and 5 showers. For the increase from 60 to up to 66 inmates in Unit 5, the inmate ratio for each set of fixtures remains in compliance with Part 7040, Maximum Facility Capacity of the *Minimum Standards*. The weekenders placed in the room would utilize the room for sleeping only. There is ample day space area outside the room within the dormitory. The total square footage of the program room is 252 square feet. In lieu of the placement of 6 single bunks, the facility would place 3 double bunks in the room, requiring half the floor space.

JUSTIFICATION

This variance would continue for the facility to house their weekend population in one specific area, in a facility that has a rising inmate population as a result of the boarding in of additional inmates from the Onondaga Justice Center. The unit has a sufficient number of sinks, toilets and showers to accommodate the additional 6 weekenders in accordance with Part 7040, Maximum Facility Capacity. The dormitory-style setting allows for ample day space. Utilizing three double-bunks reduces the footprint by half as opposed to using six single bunks. And, this relief has been granted by the Commission for other counties, currently as well as in the past.

Regional Supervisor approval:_____ **Date**_____

Director/Deputy Director approval Date 1/17/16

New York State Commission of Correction

Information as Provided by Facilities via Jails Daily Population Reporting System

01/19/16

Facility Name	Std Beds	Var Beds	Tot Cap	Tot Count	% Total	% Std Beds	Brded In	St Rdy Total	Par Viol	Fed Inmts	% Brders Tot Pop	Brded Out	% Brded Out	Minor M/F	Intrmt Total	Un arraig ed M/
Albany County Jail	1043	0	1043	613	58.8%	58.8%	41	38	34	55	15.7%	0	0.0%	10	0	
Allegany County Jail	164	0	164	119	72.6%	72.6%	0	0	4	64	53.8%	0	0.0%	0	1	
Broome County Jail	536	0	536	492	91.8%	91.8%	1	7	12	13	2.8%	2	0.4%	3	0	
Cattaraugus County Jail	150	0	150	129	86.0%	86.0%	0	3	4	19	14.7%	1	0.9%	3	0	
Cayuga County Jail	214	0	214	174	81.3%	81.3%	8	4	14	23	17.8%	0	0.0%	5	0	
Chautauqua County Jail	303	0	303	276	91.1%	91.1%	1	0	3	33	12.3%	0	0.0%	7	0	
Chemung County Jail	264	0	264	162	61.4%	61.4%	6	1	11	0	3.7%	0	0.0%	5	0	
Chenango County Jail	166	0	166	98	59.0%	59.0%	1	2	0	7	8.2%	0	0.0%	1	1	
Clinton County Jail	300	0	300	209	69.7%	69.7%	0	0	19	36	17.2%	1	0.6%	2	1	
Columbia County Jail	135	0	135	112	83.0%	83.0%	24	0	8	4	25.0%	0	0.0%	1	0	
Cortland County Jail	90	3	93	78	83.9%	86.7%	1	5	7	0	1.3%	1	1.3%	1	0	
Delaware County Jail	121	0	121	72	59.5%	59.5%	0	0	8	3	4.2%	0	0.0%	2	1	
Dutchess County Jail	292	200	492	405	82.3%	138.7%	0	1	30	0	0.0%	11	2.6%	4	0	
Erie County - Yankee Compou	90	0	90	0	0.0%	0.0%	0	0	0	0	0.0%	0	0.0%	0	0	
Erie County Correctional Fa	794	66	860	694	80.7%	87.4%	0	0	56	0	0.0%	0	0.0%	30	0	
Erie County Jail	640	0	640	456	71.2%	71.2%	0	3	40	25	5.5%	0	0.0%	12	0	
Essex County Jail	126	0	126	54	42.9%	42.9%	6	1	0	17	42.6%	0	0.0%	1	0	
Franklin County Jail	127	0	127	94	74.0%	74.0%	0	0	8	0	0.0%	1	1.1%	0	0	
Fulton County Jail	169	0	169	89	52.7%	52.7%	9	0	5	0	10.1%	0	0.0%	6	0	
Genesee County Jail	87	10	97	80	82.5%	92.0%	0	0	12	1	1.2%	17	17.7%	0	6	
Greene County Jail	56	0	56	48	85.7%	85.7%	0	0	6	0	0.0%	24	33.3%	0	0	
Hamilton County Jail	6	0	6	2	33.3%	33.3%	0	0	0	0	0.0%	0	0.0%	0	0	
Herkimer County Jail	41	0	41	33	80.5%	80.5%	0	3	4	0	0.0%	36	52.2%	1	0	
Jefferson County Jail	196	0	196	172	87.8%	87.8%	0	1	13	0	0.0%	13	7.0%	6	0	
Lewis County Jail	42	0	42	35	83.3%	83.3%	0	1	3	0	0.0%	0	0.0%	0	0	
Livingston County Jail	194	0	194	136	70.1%	70.1%	26	1	10	24	36.8%	1	1.1%	2	0	
Madison County Jail	126	12	138	92	66.7%	73.0%	1	5	3	4	5.4%	0	0.0%	1	2	
Monroe County Correctional	496	0	496	319	64.3%	64.3%	0	0	15	0	0.0%	0	0.0%	0	1	
Monroe County Jail	1171	0	1171	1069	91.3%	91.3%	1	21	110	64	6.1%	5	0.5%	40	0	
Montgomery County Jail	177	0	177	119	67.2%	67.2%	1	4	6	5	5.0%	0	0.0%	1	2	
Nassau County Jail Correcti	1879	26	1905	1099	57.7%	58.5%	8	1	31	34	3.8%	5	0.5%	36	0	
Niagara County Jail	449	56	505	404	80.0%	90.0%	1	3	13	115	28.7%	0	0.0%	10	0	
Oneida County Jail	638	0	638	467	73.2%	73.2%	31	5	22	26	12.2%	1	0.2%	9	0	
Onondaga County Correctiona	512	58	570	484	84.9%	94.5%	64	0	76	11	15.5%	10	2.4%	0	0	
Onondaga County Jail	671	36	707	565	79.9%	84.2%	12	12	3	2	2.5%	64	10.4%	26	0	

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

New	_____
Renewal	_____
Variance #	_____
(SCOC USE ONLY)	

Thomas A. Beilein
Chairman

Variance Application Form

INSTRUCTIONS TO SHERIFF OR CHIEF ADMINISTRATIVE OFFICER:

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

Facility: Onondaga County Department of Correction

Person requesting: Timothy H. Cowin, Commissioner

(Sheriff/Chief Administrative Officer)

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

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

Standard for which the variance is requested:

Part: 7040 Section: 5 Subdivision:

B. In the space provided below include specific plans fully explaining and supporting the alternative manner of compliance. If you are requesting a modification to an existing variance please include that information in the area below as well. (Include or attach any relevant supporting documentation)

To continue to have the ability to place 6 beds (3) double bunks in a program room located within Unit 5 for up to 6 weekenders. Unit 5 houses up to sixty (60) inmates, an additional officer will be assigned to supervise the additional inmates between 0730 and 2330 hours. These inmates will be afforded the same supervision, privileges and services that is offered to the general population. When used the door to the program room will be removed, the program room is located in close proximity to the unit officer's work station. Unit 5 is a direct supervision dormitory style housing unit.

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

This variance provides relief of square footage requirements as the program room is two-hundred-fifty-two (252) square feet (see attached drawing). Due to boarding in unsentenced inmates from the Onondaga County Justice Center our inmate population continues to increase.

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

_____ Days _____ Weeks 12 Months

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

If this variance renewal request is approved the program room in Unit 5 would be used on as needed basis.

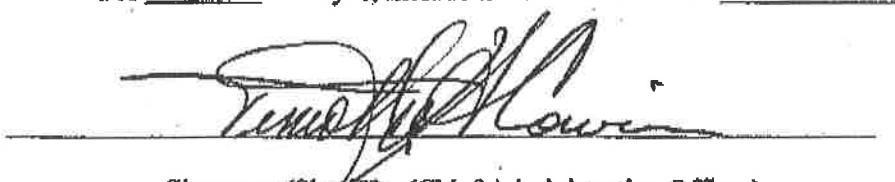
F. If this variance request pertains to housing additional inmates, please provide the square footage for the potential housing areas effected (dayspace area, cells, gym, etc.) as well as the number of sinks, shower and toilets for that area. It is also necessary to include the current maximum facility capacity (MFC) for the specific area the variance is requested for as well as how many additional inmates you are requesting to be housed in a particular area.

Housing Area (Name and type, i.e. 1 North, dorm, linear)	Sq. Ft.	Number of Sinks	Number of Showers	Number of Toilets	Current MFC	Requested Number of Variance Beds
Unit 5 includes program rm.	5425	7	5	6	60	6

(If additional space is required please make a copy of this sheet and attach)

G. Has this variance been previously approved?

Yes ___X___ If yes, include the variance number _____ No 13-V-10



Signature (Sheriff) (Chief Administrative Officer) Date

December 2, 2015

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

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

Name of Facility: Onondaga County Penitentiary	Variance # 02-V-10
New:	Renewal: X
Relief from Standard #7040.3 Application by: Comm. T. Cowin	Date rec.: 12/2/15
Beds at standard: 570 Beds Requested This Variance: 36	
Total Variance Beds This Facility: 52 Current Population: 484 %: 84.9 (1-19-16)	
Last Approved: 04/21/15 Length of Approval: 1 year	Expiration: 05/01/16
Recommendation: Approval Length Recommended: 1 year By: Todd D'Alessandro	

SUMMARY OF VARIANCE REQUEST

Commissioner Cowin is requesting a renewal of the double cells previously approved in this variance. Currently the variance authorizes the facility to double-cell inmates in Housing Units 2, 2A, 3 and 4. This variance allows the facility to house an additional 36 inmates at the penitentiary.

RECOMMENDED CONDITIONS

At the January 20, 2016 Commission Meeting this variance will be presented before the Commission. Commission staff recommend that the following conditions be included in the approval letter regarding this variance.

1) That the county is authorized to double-cell in each of the following areas listed below. The cells used for double-celling must be those cells which are closest to the officers post.

Housing Unit	Cells	MFC	Increase	Total
2A	12-15	16	4	20
2	33-40	32	8	40
3	3-8 & 33-38	48	12	60
4	3-8 & 33-38	48	12	60

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

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

4) That inmates housed in these areas receive the same services and programs as the general population.

5) That Commission staff monitor the effects of the double-celling program on staff and inmates as well as the general operation of the facility.

6) That the facility maintain information on all double-celled inmates which shall include, but is not limited to: (a) name and location of the inmate; (b) date of entrance into and release from double-celling; and (c) reason for release. These records shall be made available to Commission staff upon request.

7) That the facility will monitor its double-celling plan by tracking rates of incidents, grievances, and complaints directly related to double-celling. These records shall be made available to Commission staff upon request.

8) That the county shall continue its double-celling according to the double-celling plan submitted and approved by the Commission. That the county shall advise the Commission of any substantive changes to the double-celling plan.

9) That the county must comply with the rated capacity of **564** for the Onondaga County Penitentiary. When the county experiences an overflow, inmates must be boarded-out to other counties.

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

HISTORY

2015-	Recommendation	Approval
	Action Taken	Approved at 4/15 Meeting
	Length of Variance	3 mos (to coincide with 13-V-10)
	Conditions, if changed:	
2013-	Recommendation	Approval
	Action Taken	Approved at 8/13 Meeting
	Length of Variance	1 year
	Conditions, if changed:	
2012-	Recommendation	Approval
	Action Taken	Approved at 8/12 Meeting
	Length of Variance	1 year
	Conditions, if changed:	
2011-	Recommendation	Approval
	Action Taken	Approved at 8/11 Meeting
	Length of Variance	1 year
	Conditions, if changed:	
2010-	Recommendation	Approval
	Action Taken	Approved at 8/10 Meeting
	Length of Variance	1 year
	Conditions, if changed	

2009- Recommendation Approval
Action Taken Approved at 8/09 Meeting
Length of Variance 1 year
Conditions, if changed:

2008- Recommendation Approval
Action Taken Approved at 8/08 Meeting
Length of Variance 1 year
Conditions, if changed:

2007- Recommendation Approval
Action Taken Approved at 8/07 Meeting
Length of Variance 1 year
Conditions, if changed:

2006- Recommendation Approval
Action Taken Approved at 8/06 Meeting
Length of Variance 1 year
Conditions, if changed:
Length of Variance 1 year
Conditions, if changed from first variance: SAME

FACILITY SITE VISIT

Last reviewed for this variance on: 1/14/16 ***By:*** Todd D'Alessandro

Outstanding issues:

None

Open violations that relate to the variance request:

None

CONSTRUCTION/RENOVATION PLANS

Construction progress, if building additional capacity:

N/A

OTHER VARIANCES IN EFFECT

Variance 95-V-18: This variance allows the penitentiary to sell Rx in the commissary.
Variance 96-V-32: This variance allows inmates at the penitentiary to possess Rx.
Variance 99-V-16: This variance allows the penitentiary to house an additional 16 inmates.

MISCELLANEOUS

None

Regional Supervisor: _____ **Date:** _____

Director/Deputy Director: RG DO **Date:** 1/19/16

New York State Commission of Correction

Information as Provided by Facilities via Jails Daily Population Reporting System

01/19/16

Facility Name	Std Beds	Var Beds	Tot Cap	Tot Count	% Total	% Std Beds	Brded In	St Rdy Total	Par Viol	Fed Inmts	% Brders Tot Pop	Brded Out	% Brded Out	Minor M/F	Intrmt Total	Un arraig ed M/
Albany County Jail	1043	0	1043	613	58.8%	58.8%	41	38	34	55	15.7%	0	0.0%	10	0	
Allegany County Jail	164	0	164	119	72.6%	72.6%	0	0	4	64	53.8%	0	0.0%	0	1	
Broome County Jail	536	0	536	492	91.8%	91.8%	1	7	12	13	2.8%	2	0.4%	3	0	
Cattaraugus County Jail	150	0	150	129	86.0%	86.0%	0	3	4	19	14.7%	1	0.9%	3	0	
Cayuga County Jail	214	0	214	174	81.3%	81.3%	8	4	14	23	17.8%	0	0.0%	5	0	
Chautauqua County Jail	303	0	303	276	91.1%	91.1%	1	0	3	33	12.3%	0	0.0%	7	0	
Chemung County Jail	264	0	264	162	61.4%	61.4%	6	1	11	0	3.7%	0	0.0%	5	0	
Chenango County Jail	166	0	166	98	59.0%	59.0%	1	2	0	7	8.2%	0	0.0%	1	1	
Clinton County Jail	300	0	300	209	69.7%	69.7%	0	0	19	36	17.2%	1	0.6%	2	1	
Columbia County Jail	135	0	135	112	83.0%	83.0%	24	0	8	4	25.0%	0	0.0%	1	0	
Cortland County Jail	90	3	93	78	83.9%	86.7%	1	5	7	0	1.3%	1	1.3%	1	0	
Delaware County Jail	121	0	121	72	59.5%	59.5%	0	0	8	3	4.2%	0	0.0%	2	1	
Dutchess County Jail	292	200	492	405	82.3%	138.7%	0	1	30	0	0.0%	11	2.6%	4	0	
Erie County - Yankee Compou	90	0	90	0	0.0%	0.0%	0	0	0	0	0.0%	0	0.0%	0	0	
Erie County Correctional Fa	794	66	860	694	80.7%	87.4%	0	0	56	0	0.0%	0	0.0%	30	0	
Erie County Jail	640	0	640	456	71.2%	71.2%	0	3	40	25	5.5%	0	0.0%	12	0	
Essex County Jail	126	0	126	54	42.9%	42.9%	6	1	0	17	42.6%	0	0.0%	1	0	
Franklin County Jail	127	0	127	94	74.0%	74.0%	0	0	8	0	0.0%	1	1.1%	0	0	
Fulton County Jail	169	0	169	89	52.7%	52.7%	9	0	5	0	10.1%	0	0.0%	6	0	
Genesee County Jail	87	10	97	80	82.5%	92.0%	0	0	12	1	1.2%	17	17.7%	0	6	
Greene County Jail	56	0	56	48	85.7%	85.7%	0	0	6	0	0.0%	24	33.3%	0	0	
Hamilton County Jail	6	0	6	2	33.3%	33.3%	0	0	0	0	0.0%	0	0.0%	0	0	
Herkimer County Jail	41	0	41	33	80.5%	80.5%	0	3	4	0	0.0%	36	52.2%	1	0	
Jefferson County Jail	196	0	196	172	87.8%	87.8%	0	1	13	0	0.0%	13	7.0%	6	0	
Lewis County Jail	42	0	42	35	83.3%	83.3%	0	1	3	0	0.0%	0	0.0%	0	0	
Livingston County Jail	194	0	194	136	70.1%	70.1%	26	1	10	24	36.8%	1	1.1%	2	0	
Madison County Jail	126	12	138	92	66.7%	73.0%	1	5	3	4	5.4%	0	0.0%	1	2	
Monroe County Correctional	496	0	496	319	64.3%	64.3%	0	0	15	0	0.0%	0	0.0%	0	1	
Monroe County Jail	1171	0	1171	1069	91.3%	91.3%	1	21	110	64	6.1%	5	0.5%	40	0	
Montgomery County Jail	177	0	177	119	67.2%	67.2%	1	4	6	5	5.0%	0	0.0%	1	2	
Nassau County Jail Correcti	1879	26	1905	1099	57.7%	58.5%	8	1	31	34	3.8%	5	0.5%	36	0	
Niagara County Jail	449	56	505	404	80.0%	90.0%	1	3	13	115	28.7%	0	0.0%	10	0	
Oneida County Jail	638	0	638	467	73.2%	73.2%	31	5	22	26	12.2%	1	0.2%	9	0	
Onondaga County Correctiona	512	58	570	484	84.9%	94.5%	64	0	76	11	15.5%	10	2.4%	0	0	
Onondaga County Jail	671	36	707	565	79.9%	84.2%	12	12	3	2	2.5%	64	10.4%	26	0	

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

New	_____
Renewal	_____
Variance #	_____
(SCOC USE ONLY)	

Thomas A. Beilein
Chairman

Variance Application Form

INSTRUCTIONS TO SHERIFF OR CHIEF ADMINISTRATIVE OFFICER:

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

Facility: Onondaga County Department of Correction

Person requesting: Timothy H. Cowin, Commissioner

(Sheriff/Chief Administrative Officer)

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

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

Standard for which the variance is requested:

Part: 7040 Section: 3 Subdivision: N/A

B. In the space provided below include specific plans fully explaining and supporting the alternative manner of compliance. If you are requesting a modification to an existing variance please include that information in the area below as well. (Include or attach any relevant supporting documentation)

Cells used for double-celling are in close proximity to officer stations. All inmates are provide a bunk. Active Supervision is performed on a 24 hour basis in these areas. All inmates receive the same services as all others in General Population. Information/files are maintained on all double-celled inmates to include dates & times. Complaints are tracked. Facility double-cells in accordance with NYS Commission Guidelines. Variance limits are never exceeded.

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

The department continues to experience fluctuations in our inmate population. We report no problems associated with the variance bunks authorized in 02-V-10. The flexibility which the variance allows us, ensures that we may continue to function in a safe and secure environment. Since inception of 02-V-10, we report that no programs or services have been adversely affected.

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

_____ Days _____ Weeks 12 Months

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

It remains the department's desire to permanently increase our maximum facility capacity by having the NYS Commission make this a permanent variance.

F. If this variance request pertains to housing additional inmates, please provide the square footage for the potential housing areas effected (dayspace area, cells, gym, etc.) as well as the number of sinks, shower and toilets for that area. It is also necessary to include the current maximum facility capacity (MFC) for the specific area the variance is requested for as well as how many additional inmates you are requesting to be housed in a particular area.

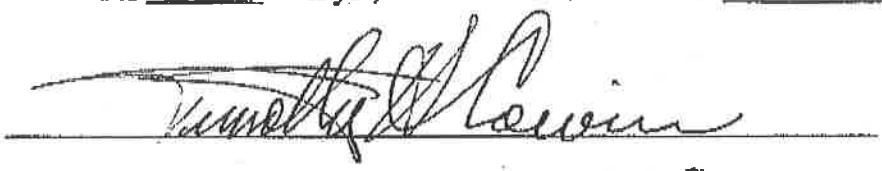
Housing Area (Name and type, i.e. 1 North, dorm, linear)	Sq. Ft.	Number of Sinks	Number of Showers	Number of Toilets	Current MFC	Requested Number of Variance Beds
Unit 2A Secure Rooms	81.5	16	2	16	16	4 = 20
Unit 2 Secure Rooms	81.5	32	3	32	32	8 = 40
Unit 3 Secure Rooms	81.5	48	4	48	48	12 = 60
Unit 4 Secure Rooms	81.5	48	7	48	48	12 = 60
					Total	Increase = 36

(If additional space is required please make a copy of this sheet and attach)

(Page 1 of 1)

G. Has this variance been previously approved?

Yes X If yes, include the variance number 02-V-10 No _____



December 2, 2015

Signature (Sheriff) (Chief Administrative Officer) Date

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