



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

CHAIRMAN  
 Thomas A. Beilein

COMMISSIONER  
 Phyllis Harrison-Ross, M.D.

**MINUTES**

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

**DATE OF MEETING: February 20, 2013**

Chairman Beilein called the meeting to order at 11am.

**PRESENT:**

Thomas A. Beilein, Chairman  
 Phyllis Harrison-Ross M.D., Commissioner  
 James Lawrence, Deputy of Operations  
 Michael Donegan, Counsel  
 Brian Callahan, Staff Counsel  
 Tricia Amati, Assistant to Chairman/Commissioner  
 Terry Moran, Capital West, Supervisor  
 Steve Savoy, South Central, Supervisor  
 Robert Cuttita, CSF II  
 Walter McClure, Deputy Director of Public Information  
 New York State Division of Criminal Justice Services

**I. MINUTES**

<b>SCOC</b> January 15, 2013	<b>Approved</b> <b>Ross/Beilein</b>	<b>Unanimous</b>
<b>CPCRC</b> February 14, 2013	<b>Approved</b> <b>Ross/Beilein</b>	<b>Unanimous</b>
<b>MRB</b> Administrative Closures	<b>Approved</b> <b>Ross/Beilein</b>	<b>Unanimous</b>





The meeting resumed at 11:47am. Motion was made by Commissioner Ross to ratify actions taken in Executive Session regarding MRB and Construction items, seconded by Chairman Beilein and approved.

Commissioner Ross made a motion to adjourn at 11:47am, which was seconded by Chairman Beilein.

Respectfully submitted,

Tricia Amati  
Assistant to Chairman/Commissioner



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CHAIRMAN  
Thomas A. Beilein

COMMISSIONER  
Phyllis Harrison-Ross, M.D.

**EXECUTIVE SESSION**

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

**DATE OF MEETING: February 20, 2013**

**PRESENT:**

Thomas A. Beilein, Chairman  
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James Lawrence, Deputy of Operations  
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Brian Callahan, Staff Counsel  
Tricia Amati, Assistant to Chairman/Commissioner  
Terry Moran, Capital West, Supervisor  
Steve Savoy, South Central, Supervisor  
Robert Cuttita, CSF II  
Walter McClure, Deputy Director of Public Information  
New York State Division of Criminal Justice Services

Commissioner Ross made a motion to go into executive session at 11:20am to discuss Construction and MRB items, which was seconded by Chairman Beilein.

Commissioner Ross made a motion to exit Executive Session and return to general session at 11:46am, which was seconded by Chairman Beilein.

The meeting resumed at 11:47am. Motion was made by Commissioner Ross to ratify actions taken in Executive Session regarding MRB and Construction items, seconded by Chairman Beilein and approved.

Commissioner Ross made a motion to adjourn at 11:47am, which was seconded by Chairman Beilein.

Respectfully submitted,

Tricia Amati  
Assistant to Chairman/Commissioner



Name of Facility: Livingston County Jail

Variance # 13V01

New: Renewal 

Relief from Standard: 7040.3

Application by: Sheriff York

Date Request Rec: 1/30/13

Last Approved: 1/15/13 Length of Approval: 2 months Expiration: March 31, 2013

Write-up Prepared by: Deborah Clark

Recommendation by Field Staff: Recommend Approval

Recommendation at Briefing:

Final Recommendation:

**SUMMARY OF VARIANCE REQUEST**

This is a request to place 4 beds each in the day space areas of D, E, F, blocks. These housing areas have a sink and toilet in the day space areas. The facility is also requesting to add one additional bed in each of the following three dorms - I Dorm, J Dorm and K Dorm. These six areas house female inmates and have a total capacity of 30 beds.

If approved, the variance beds would increase the capacity rating for these areas to a total of 45 beds. The facility states that if the variance is approved only females would be housed in these areas and they would receive all the same rights and privileges as general population inmates. Historically, the facility operated with these variance beds from 1991 to 2010 without incident.

The approval of this variance would assist the facility in continuing compliance with inmate classification and allow Livingston County to assist other counties in western New York who find it necessary to board female inmates.

**RECOMMENDED CONDITIONS**

	MFC	Variance Increase	Total Beds
D Block	5	4	9
E Block	5	4	9
F Block	5	4	9
I Dorm	5	1	6
J Dorm	5	1	6
K Dorm	5	1	6
TOTALS	30	15	45

If approved the following conditions shall apply to this variance:

1. *Active Supervision* must be provided as required pursuant to Section §7003.2(c).
2. Inmates who are housed in the day space areas must be provided with a bunk, cot, or at minimum a boat to be used as a bed.
3. Inmates must receive the same services and programs as the general population.
4. The facility shall observe the requirements of Part 7013, Classification and Correction Law 500B.

**VARIANCE HISTORY**

This variance request is similar to variance 91-V-10 which ended when the construction of the new addition and renovations was completed.

**CONSTRUCTION/RENOVATION PLANS**

NONE

**OTHER VARIANCES IN EFFECT**

NONE

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

On December 10, 2012 Commission staff conducted a site visit at the facility. The areas were impeccable and the female inmates had no concerns regarding their confinement. It should also be noted that female boarders commented on the positive environment at the Livingston County Jail.

**DATE OF LAST CYCLE VISIT THAT STANDARD VIOLATIONS WERE IDENTIFIED:**

Scheduled for Spring 2013

**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 WAS GRANTED THE VARIANCE FOR 2 MONTHS. RECOMMEND THAT VARIANCE BE GRANTED FOR 6 MONTHS IN ORDER FOR COMMISSION STAFF TO CONDUCT A COMPREHENSIVE REVIEW OF THE VARIANCE AND THE IMPACT OF THE VARIANCE ON THE FACILITY. ADDITIONALLY, COMMISSION STAFF WILL BE ABLE TO ASCERTAIN DURING A SITE VISIT WHAT TYPE OF RELIEVE THE VARIANCE IS PROVIDING TO OTHER COUNTIES IN WESTERN NEW YORK.

REVIEWED BY REGIONAL SUPERVISOR: *jm* DATE: *3/5/13*

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**OFFICIAL USE ONLY:**

NOTES OF MEETING: \_\_\_\_\_



**John M. York**  
SHERIFF

**James M. Szczesniak**  
UNDERSHERIFF



**SHERIFF OF LIVINGSTON COUNTY**

GENERAL COMPLAINT & INFORMATION  
(585) 243-7100

ADMINISTRATIVE OFFICES  
4 COURT STREET  
GENESEO, NEW YORK 14454  
(585) 243-7120  
FAX (585) 243-7104

CRIMINAL INVESTIGATIONS  
(585) 243-7170

JUVENILE AID  
(585) 243-7150

JAIL DIVISION  
(585) 243-7180

RECORDS DIVISION / CRIMINAL ACCIDENT  
(585) 243-7140

CIVIL DIVISION  
(585) 243-7130

January 30, 2013

Chairman Thomas Beilein  
State Commission of Corrections  
Alfred E Smith Office Building  
80 S. Swan Street, 12<sup>th</sup> Floor  
Albany, New York 12210-8001

Dear Chairman Beilein,

Thank you and the entire Commission for the approval of our variance request No. 13-V-01, we are in receipt of your letter notifying us of the approval dated January 15, 2013, and as you requested in the letter we are seeking an extension.

The notice grants a variance through March 31, 2013 and states that the request must be submitted by February 1, 2013. It is our hope that you would make the same considerations and grant the extension so we can afford all involved in the criminal justice system the opportunity to adjust to our added capacity.

Thank you for your consideration.

Sincerely,

James M. Szczesniak  
Undersheriff

Address all communications to Sheriff of Livingston County  
Make all checks payable to Sheriff of Livingston County



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CHAIRMAN  
 Thomas A. Beloin

COMMISSIONER  
 Phyllis Harrison-Ross, M.D.

January 15, 2013

Sheriff John M. York  
 Livingston County Sheriff's Office  
 4 Court Street  
 Geneseo, New York 14454

**RE: Variance No. 13-V-01**

Dear Sheriff York:

The Commission has reviewed Livingston County's application for a variance with respect to compliance with the provisions of 9NYCRR, §7040.3 and has determined at the January 15, 2013 Commission Meeting that the request be approved for a period of two months.

Pursuant to this action, the following conditions shall apply:

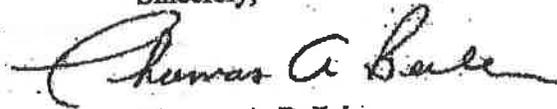
	MFC	Variance Increase	Total Beds
D Block	5	4	9
E Block	5	4	9
F Block	5	4	9
I Dorm	5	1	6
J Dorm	5	1	6
K Dorm	5	1	6
<b>TOTALS</b>	<b>30</b>	<b>15</b>	<b>45</b>

If approved the following conditions shall apply to this variance:

1. *Active Supervision* must be provided as required pursuant to Section §7003.2(c).
2. Inmates who are housed in the day space areas must be provided with a bunk, cot, or at minimum a boat to be used as a bed.
3. Inmates must receive the same services and programs as the general population.
4. The facility shall observe the requirements of Part 7013, Classification and Correction Law 500-b.

This variance will expire on March 31, 2013. This variance will be on the agenda for the February 2013 Commission Meeting. If a further extension is required, a written request must be submitted to the Commission 45 days prior to that meeting. Accordingly, the extension request must be received by February 1, 2013 to avoid any unnecessary delays in processing the renewal review.

Sincerely,

A handwritten signature in cursive script that reads "Thomas A. Beilein".

Thomas A. Beilein  
Chairman

cc: Major Ronald Huff



New York State  
Commission of Correction  
88 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: Livingston County Jail

Person requesting: Sheriff John M. York

(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)

This variance request is similar to 91-V-10, however has eliminated the requested beds in G & H block, which has now been designated as our medical and lock down blocks. If this variance is approved the Livingston County Jail would insure that these variance beds would only be used for female inmates, and that all inmates housed in these areas would be entitled to the same programs as all other inmates housed in this facility. This would also allow us to continue to comply with the required inmate classification and appropriate housing of our females inmates in limited space.

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

Our current MFC allows us to house 30 female inmates, the requested variance would increase this number to 45. We had operated at this capacity, under variance, since 1991 until construction without any issues. Since completion we have met the Commission's staffing recommendations which exceed prior staffing with a smaller MFC. Since opening this female portion of the jail we have again demonstrated our ability to operate this area without incident. By authorizing the variance the commission would not only assist Livingston County but adjacent counties who are utilizing our facility to house their excess females with the least economic impact on all the municipalities involved.

**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).**

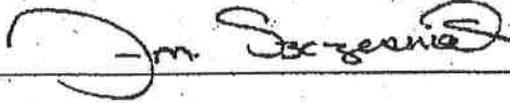
There are no plans for additional construction in Livingston County. We would however, use this bed space only when required, and would limit this space to our female population only.

Note: D, E, and F blocks all have a toilet and sink in the day space.



G. Has this variance been previously approved?

Yes  If yes, include the variance number 13-V-01 No



Signature (Sheriff) (Chief Administrative Officer)

Date 01/31/13

Additional copies of this form can be obtained by contacting the Commission, or online at [www.scoc.state.ny.us](http://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)

**New York State Commission of Correction  
Chairman Thomas A. Beilein**

**Memorandum**

**From:** Chairman Thomas A. Beilein  
2013

**Date:** January 30,

**Access Number:**

**To:** Jim Lawrence  
Michael Deegan  
Richard Kinney

**Sender:** Undersheriff James M. Szczesniak

**Agency:** Livingston County Sheriff's Office

**Date Original Received:** 1/30/13

**Re:** Request for extension on 13-V-01.

**Document Description:** Letter/Variance Application

**Chairman's Comments:**

**Routing Information**

**Regional Supervisor:** Moran

**CC:**

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Name of Facility: Onondaga County Justice Center. Variance # 02-V-06

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New: Renewal: X Number of renewals: 14

Relief from Standard #7040.3 Application by: Chief Esteban Gonzalez Date rec.: 2/5/13

Beds at standard: 677 Current Population: 603 (2/26/13) 84.5%

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

Last Approved: 12/20/11 Length of Variance: 3 months

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

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**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 March 19, 2013 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:

<u>Pods</u>	<u>MFC</u>	<u>Increase</u>	<u>Total</u>
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 to any housing area which exceeds 60 inmates on the following shifts: 7:00 am to 3:00 pm shift and the 3:00 pm to 11:00 p.m. shift. An additional officer is not required on the 11:00 pm to 7:00 am tour.
- 11) 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.
- 12) 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.
- 13) All inmate assigned to a double-cell should be the same security classification.
- 14) 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

2011-	Recommendation Action Taken Length of Variance Conditions, if changed	Approval Approved at 12/20 Meeting 3 Months
2010-	Recommendation Action Taken Length of Variance Conditions, if changed	Approval Approved at 12/16 Meeting 1 year
2009-	Recommendation Action Taken Length of Variance Conditions, if changed	Approval Approved at 12/15 Meeting 1 year
2008-	Recommendation Action Taken Length of Variance Conditions, if changed	Approval Approved at 12/16 Meeting 1 year
2008-	Recommendation Action Taken Length of Variance Conditions, if changed	Approval Approved at 11/18 Meeting 30 days
2008-	Recommendation Action Taken Length of Variance Conditions, if changed	Approval Approved at 10/22 Meeting 30 days
2008-	Recommendation Action Taken Length of Variance Conditions, if changed	Approval Approved at 9/16 Meeting 30 days
2007-	Recommendation Action Taken Length of Variance Conditions, if changed	Approval Approved at 9/07 Meeting 1 year
2006-	Recommendation Action Taken Length of Variance Conditions, if changed	Approval Approved at 9/06 Meeting 1 year
2005-	Recommendation Action Taken Length of Variance Conditions, if changed	Approval Approved at 9/05 Meeting
2005-	Recommendation Action Taken Length of Variance Conditions, if changed from original variance	Approval Approved a 6/21/05 Meeting 3 months
2004-	Recommendation Action Taken Length of Variance Conditions, if changed from first variance	Approval Approved at 07/13/04 Meeting 6-months SAME
2003-	Recommendation Action Taken Length of Variance Conditions, if changed from first variance	Approval Approved at October 28, 2003 6-months SAME
2002-	Recommendation Action Taken Length of Variance	Deny Denied at the 12/17/02 Meeting 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:* February 21, 2013      *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:* 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.

 2/26/13 

**New York State Commission of Correction  
Chairman Thomas A. Beilein**

**Memorandum**

**From:** Chairman Thomas A. Beilein  
2013

**Date:** February 5,

**Access Number:**

**To:** Jim Lawrence  
Michael Donegan  
Richard Kinney

**Sender:** Chief Administrative Officer Esteban Gonzalez

**Agency:** Onondaga County Sheriff's Office Justice Center Jail

**Date Original Received:**

**Re:** Variance 02V06

**Document Description:** Variance Application

**Chairman's Comments:**

**Routing Information**

Regional Supervisor: Savoy

CC:



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 Sheriff's Office Justice Center Jail

Person requesting: Esteban Gonzalez

(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).

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

Approval of continue the variance would give the facility immediate options for housing unsentenced inmates and keep within the minimum standards: programs, services, education, vocation training, mental and health concerns, protective custody while maintaining a safe and secure environment for staff, inmates, civilians.

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

\_\_\_\_\_ 365 \_\_\_\_\_ 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).

Classification and compliance unit staff work daily with the courts to insure follow-up on court appearances and grand jury proceedings within the time frames of the NYS CPL. Staff also work with the jail ministry, community, alternatives, probation, parole and the District Attorney's Office on case review.

F. If this variance request pertains to housing additional inmates, please provide the square footage for the potential housing areas effected (dayospace 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
Housing - Pod 2A	100 sq.ft.	56	7	56	60	+4 to 64
POD 2B	↓	↓	↓	↓	↓	↓
Pod 2C	↓	↓	↓	↓	↓	↓
Housing - Pod 3A	↓	↓	↓	↓	↓	↓
Pod 3B	↓	↓	↓	↓	↓	↓
Pod 3C	↓	↓	↓	↓	↓	↓
Housing - Pod 4A	↓	↓	↓	↓	↓	↓
Pod 4B	↓	↓	↓	↓	↓	↓
Pod 4C	↓	↓	↓	↓	↓	↓
Housing - Pod 5A	↓	↓	↓	↓	↓	↓
Pod 5B	↓	↓	↓	↓	↓	↓
Pod 5C	100sq.ft.	56	7	56	60	+4 to 64

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

(Page \_\_\_\_ of \_\_\_\_)

G. Has this variance been previously approved?

Yes  If yes, include the variance number \_\_\_\_\_ No  02-V-06

*Estelita M. Ayala / Chief*

Signature (Sheriff) (Chief Administrative Officer)

Date 2/4/13

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



Memorandum

To: Commissioners Beilein, Harrison-Ross, & James Lawrence, Director of Operations  
From: Robert Cuttita  
Re: Suffolk County Variance Request  
Date: February 28, 2013

Attached for your review are seven (7) variances for consideration for the Suffolk County Sheriff's Office. Five (5) of these variances request relief from 9NYCRR Section 7040.3 and .5(a), (c), (1-3) Maximum Facility Capacity, and two of them are requesting Swing Space for the continuation of renovations and facility upkeep.

**Yaphank Variances**

Variance Name	Total Beds	Area
• 95-V-09	24	Yaphank Dorms

*This variance has two time frames attached to it. First on [REDACTED] we close the Dorms designated as F1 & F2 thereby reducing the need for 8 variance Beds reducing the variance space to 16 beds. On [REDACTED] the third set of inmate moves will commence and therefore on [REDACTED] this variance will no longer be needed and will be terminated.*

• 99-V-11	5	DWI
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*This variance is used for the DWI program which is currently being ran in the trailers at the Yaphank Facility. I recommend until such time as the department moves this program into the new facility or the commission closes these trailers this variance be granted for 1 Year.*

• 05-V-02	60	Yaphank Gym
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*This variance is used for the housing of inmates in the Yaphank Gym. As of [REDACTED] this variance should be changed as the department will not need the increase in bed space but will need displacement space for the continued upkeep of the older part of the Yaphank facility while Bid package E is being done and inmates are living in the older dorms of the Yaphank facility.*

• 13-V-02	0	SWING SPACE
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*This is a proposed NEW Variance for the swing space of inmates for the continued upkeep of the older part of the Yaphank facility while Bid package E is being done and inmates are living in the older dorms of the Yaphank facility.*

- Yaphank Totals 89 from [REDACTED]
- Yaphank Totals 81 from [REDACTED]
- Yaphank Totals 65 from [REDACTED]
- Yaphank Totals 5 From [REDACTED]

**Riverhead Variances**

<u>Variance Name</u>	<u>Total Beds</u>	<u>Area</u>
• 98-V-16	192	Double Cell Riverhead

*Recommending this variance be approved for 1 year*

• 95-V-08	225	Day space Riverhead
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*This variance allows for day space beds in the Riverhead linear housing units as well as day beds in the podular housing units along with the double ceiling. I am requesting that on [REDACTED] the Day space beds in the podular housing units be removed thereby reducing this variance from a total of 225 inmate beds to 176 bed a reduction of 49 day space beds.*

• 00-V-07	0	Swing space
-----------	---	-------------

*Recommending this variance be approved for 1 year*

• Riverhead Totals	417	from [REDACTED]
• Riverhead Totals	368	from [REDACTED]

**Below represents the inmate movement planed for April**

- [REDACTED] Move 1<sup>st</sup> set of inmates total of 84 inmates ( 14 into the new pods each)
- [REDACTED] 2013 Move 2<sup>nd</sup> set of inmates total of 116 inmates ( 16 into the new pods each and 20 into the new dorm housing)
- [REDACTED] Move 3<sup>rd</sup> set of inmates total of 104 inmates (14 into the new pods each and 20 into the new dorm)
- [REDACTED] Final move of inmates total of 116 inmates ( 16 into the new pods each and 20 into the new dorm housing)

**NOTE:**

If all variances above are approved as noted this will leave the following variances in effect until the completion of Bid Package E.

• 98-V-16	192	Riverhead Double Ceiling
• 98-V-08	176	Riverhead Day space – Changed from 225 to now 176
• 99-V-11	5	DWI variance
• 00-V-07	0	Riverhead gym Swing space
• 13-V-01	0	Yaphank Gym Swing Space maintain 6 housing units

Total variance space 373 down from 511 until the bid package E is completed then the Commission can reevaluate the need for further variance relief.

Name of Facility: Suffolk County - Yaphank

Variance # 95-V-9

New:  Renewal: X

Relief from Standard: 7040

Application by: Suffolk County Correctional Facility

Date Request Rec: ON GOING

Last Approved: February 20, 2013 Length of Approval: 30 days

Write-up Prepared by: Robert Cuttita

Expiration: April 1, 2013

**Recommendation by Field Staff:** I recommend the variances **be granted** until [REDACTED] at which point F1 and F2 will be closed reducing the need to 16 beds in the remainder of the dorms. Then on [REDACTED] I recommend this variance be terminated as the newer part of the Yaphank Facility will be able to hold inmates and there will be no reason for the following variance space. Length of this variance 15 days and 22 days respectively .

**SUMMARY OF VARIANCE REQUEST**

Requesting authorization to house additional 4 inmates in housing dorms in the Yaphank Facility. This is a total increase of 24 additional beds.

Housing Area	MFC	Variance Beds
YP North 2	60	4
YP North 3	60	4
YP South2	60	4
YP South 3	60	4
YP Female 1	To be closed [REDACTED] 30	To be closed [REDACTED] 4
YP Female 2	To be closed [REDACTED] 30	To be closed [REDACTED] 4
<b>TOTAL</b>		<b>24</b>

**RECOMMENDED CONDITIONS IF APPROVED**

Same conditions that were in affect prior.

**VARIANCE HISTORY**

This variance has been in place since 1995 for housing additional inmates in a dorm setting.

More information can be found in the commissions Electronic files

**Current Information:**

Commission staff Robert Cuttita visited the facility on September 26, 2012. The department has taken steps to clean the housing areas to the best of their ability. Below is the county's plan for Bid package E and Phase II of the construction. **BID PACKAGE D:** The current on-going new building construction project, known as Bid Package "D" is currently in the final punch list phase. The punch list phase has taken longer than expected due to issues with the new security software as well as issues at roof penetrations. However, we expect to be completed with all remaining work and turn over the building to the Suffolk County Sherriff's office on November 1, 2012.

Please note that pursuant to your letter, the following work has been completed or will be completed by the dates noted below:

- Testing of all mechanical systems, HVAC, Electrical and Plumbing: Completed on 10/30/11
- HVAC System Optimization for cooling operations is ongoing : Complete 09/30/12
- Testing of Security electronics & Central Control, Housing, equipment, cameras, intercoms, etc.: Troubleshooting intercom and camera problems. Several hardware components on order and software revisions are in process. Complete 09/21/12

**BID PACKAGE E:** As requested, a timeline is provided as follows:

10/15/12 – Design Development Drawings will be delivered to NYSCOC for review  
 11/01/12 – Upon approval of these Documents by NYSCOC, preparation of Contract Documents will proceed. Date shown is assumed.  
 06/01/13 – Construction Documents (Plans and Specifications) will be complete.  
 07/01/13 – Project advertised and let for bidding  
 09/01/13 – Bids received and review begins.  
 11/01/13 – Contract awarded and Construction begins.  
 05/01/15 – Construction Completed and facility turned over to SCSO.

Your letter notes that previous versions of this schedule were unacceptable. The schedule above calls for completion of construction within a one and one-half year window from the completion of contract award. This is the shortest timeframe that the work can be completed in given the parameters and scope of work.

**Phase II (Additional Housing – 360 Beds):**

03/01/13 – Architectural design of Phase II commences  
 09/01/13 – Design Development Drawings will be delivered to NYSCOC for review  
 10/01/13 – Upon approval of these Documents by NYSCOC, preparation of Contract Documents will proceed. Date shown is assumed.  
 06/01/14 – Construction Documents (Plans and Specifications) will be complete.  
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05/01/17 – Construction Completed and facility turned over to SCSO.

**Timelines for further issues for opening the Yaphank Facility**

**March**

**March 13, 2013 Commission Briefing**

**March 20, 2013 Commission Meeting**

- **Site visit scheduled for [REDACTED] Visit Suffolk for opening of the Booking area, Visiting area, and the Medical area**
- **Prepare MFCs for Yaphank and Riverhead for Commission meeting note this MFC must be contingent on opening the new facility on time.**
  - [REDACTED] – Complete MFCs all in total five (5)
  - [REDACTED] - Close F1, F2, S1, N1 for renovations to the housing units for Bid package E
- **Prepare Variances as follows:**
  - **As of [REDACTED] REMOVE VARIANCE 95-V-09 Yaphank Day space variance (-24) beds**
  - **As of [REDACTED] REMOVE VARIANCE 05-V-02 Yaphank Gym Variance**
  - **As of [REDACTED] Amend Variance 95-V-08, Riverhead Day space – Remove pod day space (-49) beds**
  - **Issue New Variance 13-V-01??? Yaphank Gym Variance – does not increase the housing capacity allows the facility to maintain 6 housing units for the next two – three years.**

**April**

- [REDACTED] Move 1<sup>st</sup> set of inmates total of 84 inmates ( 14 into the new pods each)
- [REDACTED] Move 2<sup>nd</sup> set of inmates total of 116 inmates ( 16 into the new pods each and 20 into the new dorm housing)
- [REDACTED] Move 3<sup>rd</sup> set of inmates total of 104 inmates (14 into the new pods each and 20 into the new dorm)
- [REDACTED] Final move of inmates total of 116 inmates ( 16 into the new pods each and 20 into the new dorm housing)

**CONSTRUCTION/RENOVATION PLANS**

- Currently working on Riverhead pods for direct supervision
- New Riverhead main control room
- Bid package E
- Phase II construction for the Yaphank Facility

**OTHER VARIANCES IN EFFECT**

98-V-16, 99-V-11, 00-V-07, 05-V-02

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

September 26, 2012

**ANY OPEN MINIMUM STANDARD VIOLATIONS:**

THE ENTIRE FACILITY IS CURRENTLY REWRITING THE POLICY AND POCEDURE MANUAL TO CONFORM WITH THE NEW FACILITY

**ANY VIOLATIONS WHICH PERTAIN TO THE VARIANCE'S CONDITIONS:**

**JUSTIFICATION FOR WHY VARIANCE SHOULD OR SHOULD NOT BE EXTENDED:**

REVIEWED BY REGIONAL SUPERVISOR:

*W* DATE: 2/26/13

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**OFFICIAL USE ONLY:**

NOTES OF MEETING: \_\_\_\_\_

Name of Facility: Suffolk County - Yaphank

Variance # 99-V-11

New:  Renewal: X

Relief from Standard: 7040

Application by: Suffolk County Correctional Facility

Date Request Rec: ON GOING

Last Approved: February 20, 2012 Length of Approval: 1 Months Expiration: April 1, 2013

Write-up Prepared by: Robert Cuttita

**Recommendation by Field Staff:** I recommend the variances be granted for 1 year (April 1, 2014) to be on the March 2014 Commission meeting.

### SUMMARY OF VARIANCE REQUEST

Requesting authorization to house and additional five female inmates in the day room of the area designated as the DWI Alternative Facility in Yaphank.

### RECOMMENDED CONDITIONS IF APPROVED

Same conditions currently in effect should apply along with the following additional conditions:

### VARIANCE HISTORY

This variance has been approved starting in 1999 to allow for the addition of five female beds for the DWI program. This is a county run program.

### Current Information:

See the below timelines set up by the county. This program will be absorbed by the new building. However upon opening the sheriff's department has requested to keep the DWI building open and slowly incorporate this program into the new building.

Commission staff Robert Cuttita visited the facility on September 26, 2012. The department has taken steps to clean the housing areas to the best of their ability. Below is the county's plan for Bid package E and Phase II of the construction. **BID PACKAGE D:** The current on-going new building construction project, known as Bid Package "D" is currently in the final punch list phase. The punch list phase has taken longer than expected due to issues with the new security software as well as issues at roof penetrations. However, we expect to be completed with all remaining work and turn over the building to the Suffolk County Sheriff's office on November 1, 2012.

Please note that pursuant to your letter, the following work has been completed or will be completed by the dates noted below:

- Testing of all mechanical systems, HVAC, Electrical and Plumbing: Completed on 10/30/11
- HVAC System Optimization for cooling operations is ongoing : Complete 09/30/12

- Testing of Security electronics & Central Control, Housing, equipment, cameras, intercoms, etc.: Troubleshooting intercom and camera problems. Several hardware components on order and software revisions are in process. Complete 09/21/12

**BID PACKAGE E:** As requested, a timeline is provided as follows:

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- 11/01/13 – Contract awarded and Construction begins.
- 05/01/15 – Construction Completed and facility turned over to SCSO.

Your letter notes that previous versions of this schedule were unacceptable. The schedule above calls for completion of construction within a one and one-half year window from the completion of contract award. This is the shortest timeframe that the work can be completed in given the parameters and scope of work.

**Phase II (Additional Housing – 360 Beds):**

- 03/01/13 – Architectural design of Phase II commences
- 09/01/13 – Design Development Drawings will be delivered to NYSCOC for review
- 10/01/13 – Upon approval of these Documents by NYSCOC, preparation of Contract Documents will proceed. Date shown is assumed.
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**Timelines for further issues for opening the Yaphank Facility**

**March**

**March 13, 2013 Commission Briefing**  
**March 20, 2013 Commission Meeting**

- Site visit scheduled for [REDACTED] Visit Suffolk for opening of the Booking area, Visiting area, and the Medical area
- Prepare MFCs for Yaphank and Riverhead for Commission meeting note this MFC must be contingent on opening the new facility on time.

- [REDACTED] - Complete MFCs all in total five (5)
- [REDACTED] Close F1, F2, S1, N1 for renovations to the housing units for Bid package E
- Prepare Variances as follows:
  - As of [REDACTED] REMOVE VARIANCE 95-V-09 Yaphank Day space variance (-24) beds
  - As of [REDACTED] REMOVE VARIANCE 05-V-02 Yaphank Gym Variance
  - As of [REDACTED] Amend Variance 95-V-08, Riverhead Day space – Remove pod day space (-49) beds
  - Issue New Variance 13-V-01??? Yaphank Gym Variance – does not increase the housing capacity allows the facility to maintain 6 housing units for the next two – three years.

#### April

- [REDACTED] Move 1<sup>st</sup> set of inmates total of 84 inmates ( 14 into the new pods each)
- [REDACTED] Move 2<sup>nd</sup> set of inmates total of 116 inmates ( 16 into the new pods each and 20 into the new dorm housing)
- [REDACTED] Move 3<sup>rd</sup> set of inmates total of 104 inmates (14 into the new pods each and 20 into the new dorm)
- [REDACTED] Final move of inmates total of 116 inmates ( 16 into the new pods each and 20 into the new dorm housing)

#### CONSTRUCTION/RENOVATION PLANS

- Currently working on Riverhead pods for direct supervision
- New Riverhead main control room
- Bid package E
- Phase II construction for the Yaphank Facility

#### OTHER VARIANCES IN EFFECT

98-V-16, 99-V-11, 00-V-07, 05-V-02

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

September 26, 2012

#### ANY OPEN MINIMUM STANDARD VIOLATIONS:

THE ENTIRE FACILITY IS CURRENTLY REWRITING THE POLICY AND POCEDURE MANUAL TO CONFORM WITH THE NEW FACILITY

#### ANY VIOLATIONS WHICH PERTAIN TO THE VARIANCE'S CONDITIONS:

#### JUSTIFICATION FOR WHY VARIANCE SHOULD OR SHOULD NOT BE EXTENDED:

REVIEWED BY REGIONAL SUPERVISOR: *M*

DATE: 2/26/13

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**OFFICIAL USE ONLY:**

NOTES OF MEETING: \_\_\_\_\_

Name of Facility: Suffolk County- Yaphank

Variance # 05-V-02

New:  Renewal:

Relief from Standard: 7040

Application by: Suffolk County Correctional Facility

Date Request Rec: ON GOING

Last Approved: February 20, 2013 Length of Approval: 1Months Expiration: April 1, 2013

Write-up Prepared by: Robert Cuttita

Recommendation by Field Staff: I recommend the variances **be granted** until the date of [REDACTED] at which time this variance will be terminated as the newer Yaphank Facility will be open and operational.

**SUMMARY OF VARIANCE REQUEST**

Request to house 60 male inmates in the minimum security Yaphank Gym

**RECOMMENDED CONDITIONS IF APPROVED**

Same conditions currently in effect should apply along with the following additional conditions:

**VARIANCE HISTORY**

The number of inmates being detained usually exceeds the MFC. The facility is in need of the variance to house inmates.

More information can be found in the commissions Electronic files

**Current Information:**

Commission staff Robert Cuttita visited the facility on September 26, 2012. The department has taken steps to clean the housing areas to the best of their ability. Below is the county's plan for Bid package E and Phase II of the construction. **BID PACKAGE D:** The current on-going new building construction project, known as Bid Package "D" is currently in the final punch list phase. The punch list phase has taken longer than expected due to issues with the new security software as well as issues at roof penetrations. However, we expect to be completed with all remaining work and turn over the building to the Suffolk County Sherriff's office on November 1, 2012.

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- Testing of all mechanical systems, HVAC, Electrical and Plumbing: Completed on 10/30/11
- HVAC System Optimization for cooling operations is ongoing : Complete 09/30/12
- Testing of Security electronics & Central Control, Housing, equipment, cameras, intercoms, etc.: Troubleshooting intercom and camera problems. Several hardware components on order and software revisions are in process. Complete 09/21/12

**BID PACKAGE E:** As requested, a timeline is provided as follows:

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- 11/01/13 – Contract awarded and Construction begins.
- 05/01/15 – Construction Completed and facility turned over to SCSO.

Your letter notes that previous versions of this schedule were unacceptable. The schedule above calls for completion of construction within a one and one-half year window from the completion of contract award. This is the shortest timeframe that the work can be completed in given the parameters and scope of work.

**Phase II (Additional Housing – 360 Beds):**

- 03/01/13 – Architectural design of Phase II commences
- 09/01/13 – Design Development Drawings will be delivered to NYSCOC for review
- 10/01/13 – Upon approval of these Documents by NYSCOC, preparation of Contract Documents will proceed. Date shown is assumed.
- 06/01/14 – Construction Documents (Plans and Specifications) will be complete.
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- 11/01/14 – Contract awarded and Construction begins.
- 05/01/17 – Construction Completed and facility turned over to SCSO.

**Timelines for further issues for opening the Yaphank Facility**

**March**

**March 13, 2013 Commission Briefing**  
**March 20, 2013 Commission Meeting**

- Site visit scheduled for [REDACTED] Visit Suffolk for opening of the Booking area, Visiting area, and the Medical area
- **Prepare MFCs** for Yaphank and Riverhead for Commission meeting note this MFC must be contingent on opening the new facility on time.
  - [REDACTED] - Complete MFCs all in total five (5)
  - [REDACTED] - Close F1, F2, S1, N1 for renovations to the housing units for Bid package E
- Prepare Variances as follows:
  - As of [REDACTED] REMOVE VARIANCE 95-V-09 Yaphank Day space variance (-24) beds

- As of [REDACTED] REMOVE VARIANCE 05-V-02 Yaphank Gym Variance
- As of [REDACTED] Amend Variance 95-V-08, Riverhead Day space – Remove pod day space (-49) beds
- Issue New Variance 13-V-01??? Yaphank Gym Variance – does not increase the housing capacity allows the facility to maintain 6 housing units for the next two – three years.

April

- [REDACTED] Move 1<sup>st</sup> set of inmates total of 84 inmates ( 14 into the new pods each)
- [REDACTED] Move 2<sup>nd</sup> set of inmates total of 116 inmates ( 16 into the new pods each and 20 into the new dorm housing)
- [REDACTED] Move 3<sup>rd</sup> set of inmates total of 104 inmates (14 into the new pods each and 20 into the new dorm)
- [REDACTED] Final move of inmates total of 116 inmates ( 16 into the new pods each and 20 into the new dorm housing)

CONSTRUCTION/RENOVATION PLANS

- Currently working on Riverhead pods for direct supervision
- New Riverhead main control room
- Bid package E
- Phase II construction for the Yaphank Facility

OTHER VARIANCES IN EFFECT

98-V-16, 99-V-11, 00-V-07, 05-V-02

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

September 26, 2012

ANY OPEN MINIMUM STANDARD VIOLATIONS:

THE ENTIRE FACILITY IS CURRENTLY REWRITING THE POLICY AND PROCEDURE MANUAL TO CONFORM WITH THE NEW FACILITY

ANY VIOLATIONS WHICH PERTAIN TO THE VARIANCE'S CONDITIONS:

JUSTIFICATION FOR WHY VARIANCE SHOULD OR SHOULD NOT BE EXTENDED:

REVIEWED BY REGIONAL SUPERVISOR: 

DATE: 2/26/13

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OFFICIAL USE ONLY:

NOTES OF MEETING: \_\_\_\_\_



Name of Facility: Suffolk County - Yaphank

Variance # 13-V-02

New: X Renewal:

Relief from Standard: 7040

Application by: Suffolk County Correctional Facility

Date Request Rec: As part of the transition into the new Yaphank Facility

Last Approved:

Length of Approval:

Expiration:

Write-up Prepared by: Robert Cuttita

**Recommendation by Field Staff:** I recommend the variances **be granted** for 1 year (April 1,2014) to be on the March 2014 Commission meeting.

**SUMMARY OF VARIANCE REQUEST**

Requesting authorization to utilize the Yaphank gym for the displacement of inmates during construction and or renovation of Bid Package E **not to increase the facilities capacity**.

**RECOMMENDED CONDITIONS IF APPROVED****VARIANCE HISTORY****Current Information:**

**BID PACKAGE E:** As requested, a timeline is provided as follows:

- 10/15/12 – Design Development Drawings will be delivered to NYSCOC for review
- 11/01/12 – Upon approval of these Documents by NYSCOC, preparation of Contract Documents will proceed. Date shown is assumed.
- 06/01/13 – Construction Documents (Plans and Specifications) will be complete.
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- 05/01/15 – Construction Completed and facility turned over to SCSO.

Your letter notes that previous versions of this schedule were unacceptable. The schedule above calls for completion of construction within a one and one-half year window from the completion of contract award. This is the shortest timeframe that the work can be completed in given the parameters and scope of work.

**CONSTRUCTION/RENOVATION PLANS**

**Phase II (Additional Housing – 360 Beds):**

- 03/01/13 – Architectural design of Phase II commences
- 09/01/13 – Design Development Drawings will be delivered to NYSCOC for review
- 10/01/13 – Upon approval of these Documents by NYSCOC, preparation of Contract Documents will proceed. Date shown is assumed.
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- 05/01/17 – Construction Completed and facility turned over to SCSO.

- Currently working on Riverhead pods for direct supervision
  - New Riverhead main control room
  - Bid package E
  - Phase II construction for the Yaphank Facility
1. November 1, 2012. Sheriff's Department is expecting the ability to **move inmates into the new building beginning Mid January 2013.**

**OTHER VARIANCES IN EFFECT**

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

**MARCH 15, 2013**

**ANY OPEN MINIMUM STANDARD VIOLATIONS:**

**ANY VIOLATIONS WHICH PERTAIN TO THE VARIANCE'S CONDITIONS:**

**JUSTIFICATION FOR WHY VARIANCE SHOULD OR SHOULD NOT BE EXTENDED:**

REVIEWED BY REGIONAL SUPERVISOR:  DATE: 2/26/13

**OFFICIAL USE ONLY:**

NOTES OF MEETING: \_\_\_\_\_



New York State

New York State
Commission of Correction
80 South Swan Street
12th Floor
Albany, New York 12210
518-485-2346
518-485-2467 (Fax)

New: XX
Renewal:
Var. #:

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: Yaphank Correctional Facility
Person requesting: Warden Charles Ewald
(Chief Administrative Officer)

(A) State the specific part, section, and subdivision of the 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:

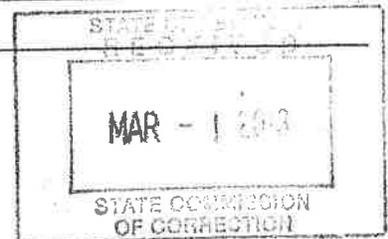
Ex. Part: 7040 Section: 3 Subdivision: N/A

Standard for which the variance is requested:

Part: 7040 Section: 3 Subdivision: N/A

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

The Suffolk County Sheriff's Office will be beginning an extensive repair and renovation program within the existing Yaphank facility including, but not limited to, officer station relocation, ceiling repair, toilet repair, shower areas, etc. once the new facility opens. This project can only be accomplished by maintaining an alternative housing arrangement which will allow our office to temporarily house inmates displaced by the program into the facility gymnasium. As with variance 00-V-07, we will submit a letter detailing our progress and details when the gymnasium is utilized as a result of repair and renovation work.



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

\_\_\_\_\_ Days \_\_\_\_\_ Weeks 12 Months

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

The use of the gymnasium space will allow the Sheriff's Office to bring the older sections of the Yaphank Facility into full compliance with the Minimum Standards as they reference housing unit sanitization and structural strength. This space is not intended to increase out MFC, but will be utilized as swing space.

(E) If this variance request pertains to housing additional inmates, please provide the square footage for the housing area(s) at issue as well as the number of sinks, shower and toilets for that area.

Housing Area (Name and type, i.e. 1 North, dorm, linear)	Square Footage	Number of Sinks	Number of Showers	Number of Toilets
Yaphank Gymnasium	7,500	6	4	6

(F) Has this variance been previously approved and subsequently expired or been denied?

Yes \_\_\_\_\_ If yes, include the variance number \_\_\_\_\_ No XX

Charles Ewald  
Signature (Chief Administrative Officer)

February 25, 2013  
Date

Name of Facility: Suffolk County - Riverhead

Variance # 98-V-16

New:  Renewal: X

Relief from Standard: 7040

Application by: Suffolk County Correctional Facility

Date Request Rec: ON GOING

Last Approved: February 20, 2012 Length of Approval: 1 Months Expiration: April 1, 2013

Write-up Prepared by: Robert Cuttita

**Recommendation by Field Staff:** I recommend the variances **be granted** for 1 year (April 1, 2014) to be on the March 2014 Commission meeting.

**SUMMARY OF VARIANCE REQUEST**

Requesting authorization of double – celling inmates in the pods of the Riverhead facility for a total of 192 Variance Beds. See below chart:

Housing Area	MFC	Variance Beds	Total
Pod 1 East - North	30	24	54
Pod 1 East - South	30	24	54
Pod 1 West - North	30	24	54
Pod 1 West - South	30	24	54
Pod 3 East - North	30	24	54
Pod 3 East - South	30	24	54
Pod 3 West - North	30	24	54
Pod 3 West - South	30	24	54
<b>TOTALS</b>	<b>240</b>	<b>192</b>	<b>432</b>

**RECOMMENDED CONDITIONS IF APPROVED**

Same conditions currently in effect should apply along with the following additional conditions:

**VARIANCE HISTORY**

The number of inmates being detained usually exceeds the MFC. The facility is in need of the variance to house inmates.

More information can be found in the commissions Electronic files

**Current Information:**

Commission staff Robert Cuttita visited the facility on September 26, 2012. The department has taken steps to clean the housing areas to the best of their ability. Below is the county's plan for Bid package E and Phase II of the construction. **BID PACKAGE D:** The current on-going new building construction project, known as Bid Package "D" is currently in the final punch list phase. The punch list phase has taken longer than expected due to issues with the new security software as well as issues at roof penetrations. However, we expect to be completed with all remaining work and turn over the building to the Suffolk County Sherriff's office on November 1, 2012.

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- Testing of all mechanical systems, HVAC, Electrical and Plumbing: Completed on 10/30/11
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- Testing of Security electronics & Central Control, Housing, equipment, cameras, intercoms, etc.: Troubleshooting intercom and camera problems. Several hardware components on order and software revisions are in process. Complete 09/21/12

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- 05/01/15 – Construction Completed and facility turned over to SCSO.

Your letter notes that previous versions of this schedule were unacceptable. The schedule above calls for completion of construction within a one and one-half year window from the completion of contract award. This is the shortest timeframe that the work can be completed in given the parameters and scope of work.

**Phase II (Additional Housing – 360 Beds):**

- 03/01/13 – Architectural design of Phase II commences

- 09/01/13 – Design Development Drawings will be delivered to NYSCOC for review  
10/01/13 – Upon approval of these Documents by NYSCOC, preparation of Contract Documents will proceed. Date shown is assumed.  
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**Timelines for further issues for opening the Yaphank Facility**

**March**

**March 13, 2013 Commission Briefing**

**March 20, 2013 Commission Meeting**

- **Site visit scheduled for [REDACTED] Visit Suffolk for opening of the Booking area, Visiting area, and the Medical area**
- **Prepare MFCs** for Yaphank and Riverhead for Commission meeting note this MFC must be contingent on opening the new facility on time.
  - [REDACTED] - Complete MFCs all in total five (5)
  - [REDACTED] - Close F1, F2, S1, N1 for renovations to the housing units for Bid package E
- **Prepare Variances as follows:**
  - **As of [REDACTED] REMOVE VARIANCE 95-V-09 Yaphank Day space variance (-24) beds**
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  - **As of [REDACTED] Amend Variance 95-V-08, Riverhead Day space – Remove pod day space (-49) beds**
  - **Issue New Variance 13-V-01??? Yaphank Gym Variance – does not increase the housing capacity allows the facility to maintain 6 housing units for the next two – three years.**

**April**

- [REDACTED] Move 1<sup>st</sup> set of inmates total of 84 inmates ( 14 into the new pods each)
- [REDACTED] Move 2<sup>nd</sup> set of inmates total of 116 inmates ( 16 into the new pods each and 20 into the new dorm housing)
- [REDACTED] Move 3<sup>rd</sup> set of inmates total of 104 inmates (14 into the new pods each and 20 into the new dorm)
- [REDACTED] Final move of inmates total of 116 inmates ( 16 into the new pods each and 20 into the new dorm housing)

**CONSTRUCTION/RENOVATION PLANS**

- Currently working on Riverhead pods for direct supervision
- New Riverhead main control room
- Bid package E
- Phase II construction for the Yaphank Facility

**OTHER VARIANCES IN EFFECT**

98-V-16, 99-V-11, 00-V-07, 05-V-02

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

September 26, 2012

**ANY OPEN MINIMUM STANDARD VIOLATIONS:**

THE ENTIRE FACILITY IS CURRENTLY REWRITING THE POLICY AND POCEDURE MANUAL TO CONFORM WITH THE NEW FACILITY

**ANY VIOLATIONS WHICH PERTAIN TO THE VARIANCE'S CONDITIONS:**

**JUSTIFICATION FOR WHY VARIANCE SHOULD OR SHOULD NOT BE EXTENDED:**

REVIEWED BY REGIONAL SUPERVISOR:



DATE:

2/26/13

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**OFFICIAL USE ONLY:**

NOTES OF MEETING: \_\_\_\_\_

Name of Facility: **Suffolk County - Riverhead**Variance # **95-V-08**New:  Renewal:  and modify after April 29, 2013 Relief from Standard: 7040

Application by: Suffolk County Correctional Facility Date Request Rec: ON GOING

Last Approved: February 20, 2013 Length of Approval: 1 Months Expiration: April 1, 2013

Write-up Prepared by: Robert Cuttita

**Recommendation by Field Staff:** I recommend the variances be granted until [REDACTED] at which point I recommend removing the 7 day space beds in the pods. [REDACTED] I recommend the remaining beds be granted for 1 year (April 1, 2014) to be on the March 2014 Commission meeting.

**SUMMARY OF VARIANCE REQUEST**

This variance will allow for the housing of EIGHT extra inmates in the day space area of the housing areas of the linear section of the facility. Remove the as well as allow for an additional 7 day area beds in the podular housing areas with the exception of Pod 1 West – South which has currently be converted to direct supervision housing area.

Housing Area	MFC	Variance Beds
Pod 1 East - North	30	7 to be removed on April 29, 2013
Pod 1 East - South	30	7 to be removed on April 29, 2013
Pod 1 West - North	30	7 to be removed on April 29, 2013
Pod 1 West - South	30	0
Pod 3 East - North	30	7 to be removed on April 29, 2013
Pod 3 East - South	30	7 to be removed on April 29, 2013
Pod 3 West - North	30	7 to be removed on April 29, 2013
Pod 3 West - South	30	7 to be removed on April 29, 2013
1 East North	17	8
1 East South	17	8
		8

SCOC VARIANCE WRITE-UP FORM: EFFECTIVE JANUARY 2010

<b>1 South East</b>	20	
<b>1 South West</b>	20	8
<b>2 East North</b>	20	8
<b>2 East South</b>	20	8
<b>2 South East</b>	20	8
<b>2 South West</b>	20	8
<b>2 West South</b>	20	8
<b>2 West North</b>	20	8
<b>3 East North</b>	20	8
<b>3 East South</b>	20	8
<b>3 South East</b>	20	8
<b>3 South West</b>	20	8
<b>3 West South</b>	20	8
<b>3 West North</b>	20	8
<b>4 East North</b>	20	8
<b>4 East South</b>	20	8
<b>4 South East</b>	20	8
<b>4 South West</b>	20	8
<b>4 West South</b>	20	8
<b>4 West North</b>	20	8
<b>5 East North</b>	20	8
<b>5 East South</b>	20	8
<b>5 West South</b>	20	8
<b>5 West North</b>	20	8
<b>Grand Total</b>	514	257
<b>Less vacated cells</b>		32
<b>Net Total</b>		225
<b>After April 29</b>		<b>(-49 beds) total of 176</b>

**RECOMMENDED CONDITIONS IF APPROVED**

Same conditions currently in effect should apply:

**VARIANCE HISTORY**

This variance has been in place since 1995 for the housing of additional inmates in the day space areas of the housing units.

More information can be found in the commissions Electronic files

**Current Information:**

Commission staff Robert Cuttita visited the facility on September 26, 2012. The department has taken steps to clean the housing areas to the best of their ability. Below is the county's plan for Bid package E and Phase II of the construction. **BID PACKAGE D:** The current on-going new building construction project, known as Bid Package "D" is currently in the final punch list phase. The punch list phase has taken longer than expected due to issues with the new security software as well as issues at roof penetrations. However, we expect to be completed with all remaining work and turn over the building to the Suffolk County Sheriff's office on November 1, 2012.

Please note that pursuant to your letter, the following work has been completed or will be completed by the dates noted below:

- Testing of all mechanical systems, HVAC, Electrical and Plumbing: Completed on 10/30/11
- HVAC System Optimization for cooling operations is ongoing : Complete 09/30/12
- Testing of Security electronics & Central Control, Housing, equipment, cameras, intercoms, etc.: Troubleshooting intercom and camera problems. Several hardware components on order and software revisions are in process. Complete 09/21/12

**BID PACKAGE E:** As requested, a timeline is provided as follows:

- 10/15/12 – Design Development Drawings will be delivered to NYSCOC for review
- 11/01/12 – Upon approval of these Documents by NYSCOC, preparation of Contract Documents will proceed. Date shown is assumed.
- 06/01/13 – Construction Documents (Plans and Specifications) will be complete.
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Your letter notes that previous versions of this schedule were unacceptable. The schedule above calls for completion of construction within a one and one-half year window from the completion of contract award. This is the shortest timeframe that the work can be completed in given the parameters and scope of work.

**Phase II (Additional Housing – 360 Beds):**

03/01/13 – Architectural design of Phase II commences

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**Timelines for further issues for opening the Yaphank Facility**

**March**

**March 13, 2013 Commission Briefing**

**March 20, 2013 Commission Meeting**

- **Site visit scheduled for [REDACTED] Visit Suffolk for opening of the Booking area, Visiting area, and the Medical area**
- **Prepare MFCs for Yaphank and Riverhead for Commission meeting note this MFC must be contingent on opening the new facility on time.**
  - [REDACTED] – Complete MFCs all in total five (5)
  - [REDACTED] – Close F1, F2, S1, N1 for renovations to the housing units for Bid package E
- **Prepare Variances as follows:**
  - **As of [REDACTED] REMOVE VARIANCE 95-V-09 Yaphank Day space variance (-24) beds**
  - **As of [REDACTED] REMOVE VARIANCE 05-V-02 Yaphank Gym Variance**
  - **As of [REDACTED] Amend Variance 95-V-08, Riverhead Day space – Remove pod day space (-49) beds**
  - **Issue New Variance 13-V-01??? Yaphank Gym Variance – does not increase the housing capacity allows the facility to maintain 6 housing units for the next two – three years.**

**April**

- [REDACTED] Move 1<sup>st</sup> set of inmates total of 84 inmates ( 14 into the new pods each)
- [REDACTED] Move 2<sup>nd</sup> set of inmates total of 116 inmates ( 16 into the new pods each and 20 into the new dorm housing)
- [REDACTED] Move 3<sup>rd</sup> set of inmates total of 104 inmates (14 into the new pods each and 20 into the new dorm)
- [REDACTED] Final move of inmates total of 116 inmates ( 16 into the new pods each and 20 into the new dorm housing)

**CONSTRUCTION/RENOVATION PLANS**

- Currently working on Riverhead pods for direct supervision

- New Riverhead main control room
- Bid package E
- Phase II construction for the Yaphank Facility

**OTHER VARIANCES IN EFFECT**

98-V-16, 99-V-11, 00-V-07, 05-V-02

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

September 26, 2012

**ANY OPEN MINIMUM STANDARD VIOLATIONS:**

THE ENTIRE FACILITY IS CURRENTLY REWRITING THE POLICY AND PROCEDURE MANUAL TO CONFORM WITH THE NEW FACILITY

**ANY VIOLATIONS WHICH PERTAIN TO THE VARIANCE'S CONDITIONS:**

**JUSTIFICATION FOR WHY VARIANCE SHOULD OR SHOULD NOT BE EXTENDED:**

REVIEWED BY REGIONAL SUPERVISOR:



DATE:

2/26/12

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**OFFICIAL USE ONLY:**

NOTES OF MEETING: \_\_\_\_\_



Name of Facility: Suffolk County - Riverhead

Variance # 00-V-07

New:  Renewal: X

Relief from Standard: 7040

Application by: Suffolk County Correctional Facility

Date Request Rec: ON GOING

Last Approved: February 20, 2013 Length of Approval: 1 Months Expiration: April 1, 2013

Write-up Prepared by: Robert Cuttita

**Recommendation by Field Staff:** I recommend the variances be granted for 1 Year (April 1, 2014) to be on the March 2014 Commission meeting.

### SUMMARY OF VARIANCE REQUEST

Requesting authorization to utilize the Riverhead gym for the displacement of inmates during construction and or renovation purposes not to increase the facilities capacity.

### RECOMMENDED CONDITIONS IF APPROVED

Same conditions currently in effect should apply along with the following additional conditions:

### VARIANCE HISTORY

The original intent of this variance was for the South Block Renovations which has been completed since 2002. In October of 2002 the facility requested the same variance however varying its original reason. The new reason outlined in an October 15, 2002 letter was to retrofitting the facility cells with suicide prevention grills. This was completed sometime in 2003. Once again the facility still requested this variance with a variation in the reason. In 2003 the variance was extended for the purpose of aggressively maintaining and cleaning of the Riverhead facility.

**Currently the department is converting the pods into direct supervision housing units. Pod 1 NW has just been converted and the department is closing Pod 1 SW to start the renovations. Upon completion of these two housing areas the department plans on continuing this to the other 6 housing units. Each housing unit will take approximately 9-12 months to complete.**

**Even with the completion of the Yaphank Facility the department will need this variance to be able to complete the construction on the riverhead facility as well as to maintain this facility.**

### Current Information:

Commission staff Robert Cuttita visited the facility on September 26, 2012. The department has taken steps to clean the housing areas to the best of their ability. Below is the county's plan for Bid package E and Phase II of the construction. **BID PACKAGE D:** The current on-going new building construction project, known as Bid Package "D" is currently in the final punch list phase. The punch list phase has taken longer than expected due to issues with the new security software as well as issues at roof penetrations. However, we expect to be completed with all remaining work and turn over the building to the Suffolk County Sherriff's office on November 1, 2012.

Please note that pursuant to your letter, the following work has been completed or will be completed by the dates noted below:

- Testing of all mechanical systems, HVAC, Electrical and Plumbing: Completed on 10/30/11
- HVAC System Optimization for cooling operations is ongoing : Complete 09/30/12
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#### CONSTRUCTION/RENOVATION PLANS

- Currently working on Riverhead pods for direct supervision
  - New Riverhead main control room
  - Bid package E
  - Phase II construction for the Yaphank Facility
1. November 1, 2012. Sheriff's Department is expecting the ability to move inmates into the new building beginning Mid January 2013.

#### OTHER VARIANCES IN EFFECT

98-V-16, 99-V-11, 00-V-07, 05-V-02

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

September 26, 2012

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CONFORM WITH THE NEW FACILITY

**ANY VIOLATIONS WHICH PERTAIN TO THE VARIANCE'S CONDITIONS:**

**JUSTIFICATION FOR WHY VARIANCE SHOULD OR SHOULD NOT BE EXTENDED:**

REVIEWED BY REGIONAL SUPERVISOR:

W DATE: 2/26/12 Re 3/14/13

**OFFICIAL USE ONLY:**

NOTES OF MEETING: \_\_\_\_\_

Amendment to Facility MFC

Facility: Eastern CF

Date of MFC Review: February 26, 2013

Name of Person Who Conducted the MFC Review: William Benjamin, CFSIII

Date of Last MFC report: N/A

Update on Capital Construction Project: N/A

Summary of amendment(s) to current MFC: An updated MFC reflecting the removal of 49 double bunks by DOCCS and return to original design capacity (1034 to 985).

Recommendation/Comments: MFC verified by staff and recommend this MFC be approved as submitted by DOCCS

Approve:

Deny:

No Recommendation:

(Check Once)

Amended Capacity: 985

Prepared by: DOCCS Date: 2-21-13  
Reviewed by Regional Supervisor: [Signature] Date: 2-22-13  
Reviewed by Facilities Planning: [Signature] Date: 2-26-13  
Reviewed by Deputy Director of Operations: [Signature] Date: 2/4/13



STATE OF NEW YORK

**DEPARTMENT OF CORRECTIONS  
AND COMMUNITY SUPERVISION**

THE HARRIMAN STATE CAMPUS – BUILDING 2

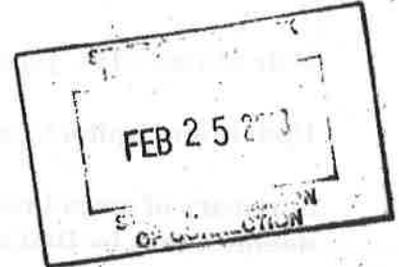
1220 WASHINGTON AVENUE

ALBANY, N.Y. 12226-2050

**ANDREW M. CUOMO**  
GOVERNOR

**BRIAN FISCHER**  
COMMISSIONER

February 21, 2013



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

Dear Chairman Beilein:

As you are aware, pursuant to the provisions of 9 NYCRR Section 7621.6 (k), the Department, since the mid-nineties, has been operating a number of "double occupancy units" or double-cells that were originally constructed for single-cell use. Due to recent changes in the inmate population demographics and the lessened demand for maximum security capacity, the Department has recently ceased operating all of the double-cells that were at Green Haven and Sing Sing Correctional Facilities. Additionally, at this time, the Department has completely dismantled all of its double-cells at Sullivan, Eastern and Shawangunk Correctional Facilities. This of course reduces the Maximum Facility Capacity (MFC) at each facility.

Sullivan Correctional Facility removed twenty-three (23) top beds, reducing their MFC from 589 to 566. Eastern Correctional Facility removed forty-nine (49) top beds, reducing their MFC from 1,034 to 985. Shawangunk Correctional Facility removed twenty-six (26) top beds, reducing their capacity from 558 to 532. We are including three completed NYS Commission of Correction Maximum Facility Capacity packets and Facility Configuration worksheets for your review and final determination. The beds are identified on the attached worksheets.

Thank you for your consideration of this request.

Sincerely,

Brian Fischer  
Commissioner

Attachments

cc: Theresa A. Knapp-David, Associate Commissioner

**NEW YORK STATE  
COMMISSION OF CORRECTION**



**November 2012**

**MAXIMUM FACILITY CAPACITY**

**for  
Eastern Correctional Facility  
in  
Napanoch, New York**

**Thomas A. Beilein**  
*Chairman*

**Phyllis Harrison-Ross M.D.**  
*Commissioner*

Eastern Correctional Facility

**NOTE: ONLY INDIVIDUAL HOUSING UNITS, DOUBLE OCCUPANCY AND MULTIPLE OCCUPANCY HOUSING UNITS WHICH MEET THE FOLLOWING REQUIREMENTS PURSUANT TO 9 NYCRR PART 7621 ARE TO BE INCLUDED IN THIS CAPACITY FORMULATION.**

**INDIVIDUAL OCCUPANCY HOUSING UNITS:**

1. Each such unit shall only house 1 inmate and contain at least 60 square feet of floor space.
2. Each such unit shall contain:  
1 bed and mattress;  
1 functioning toilet; and  
1 functioning sink.
3. At least 1 functioning shower shall be available for each tier/section of such units.

**EXCEPTIONS:**

1. A unit may contain less than 60 square feet of floor space if such unit was originally constructed for single occupancy or rated for single occupancy by the Commission of Correction prior to the effective date Part 7621 August 3, 1988.
2. Each such unit used to house inmates apart from general population for the purpose of medical observation or treatment shall have a minimum of 80 square feet of floor space.
3. Required equipment (bed, mattress, toilet, sink) may be modified or excluded for units used for short term medical/mental health observation of inmates when the presence of such equipment may pose a threat to such inmates or to the safety or security of the facility.

**DOUBLE OCCUPANCY HOUSING UNITS:**

1. Each such unit shall only house 2 inmates and contain at least 23 square feet of floor space and be equipped to accommodate two inmates.
2. Each such unit shall contain:  
1 bed and mattress for each inmate;  
1 safe storage area for each inmate  
1 functioning toilet; and  
1 functioning sink.
3. At least 1 functioning shower shall be available for each tier/section of such units.

**MULTIPLE OCCUPANCY HOUSING UNITS:**

1. Each such unit shall provide a minimum of 50 square feet of floor space per inmate in the sleeping area.
2. Each such unit shall house no more than 60 inmates.
3. Each such unit shall have a bed and mattress for each inmate.
4. Each such unit shall have at least the following (unless it was constructed prior to the effective date Part 7621 August 3, 1988).  
1 functioning toilet for every 12 inmates;  
1 functioning shower for every 15 inmates; and  
1 functioning sink for every 12 inmates.

Eastern Correctional Facility

I. A. INDIVIDUAL OCCUPANCY HOUSING UNITS USED FOR GENERAL HOUSING

Name of Housing Area/Section	Number of Individual Housing Units	Total Size of Unit (Sq. Ft. of Floor Space)	# of Shower Available per Section	Proposed Inmate Capacity
<b>Building No. 1</b>				
O Block 1 Gallery	26	95 Sq. Ft. per cell	3	26
O Block 2 Gallery	22	95 Sq. Ft. per cell	3	22
O Block 3 Gallery	26	95 Sq. Ft. per cell	3	26
O Block 4 Gallery	22	95 Sq. Ft. per cell	3	22
O Block 5 Gallery	26	95 Sq. Ft. per cell	3	26
O Block 6 Gallery	22	95 Sq. Ft. per cell	3	22
<b>TOTAL</b>	<b>144</b>			<b>144</b>
<b>Building 3</b>				
SH Block 1 <sup>st</sup> Floor	53	70 Sq. Ft. per cell	2	53
SH Block 2 <sup>nd</sup> Floor	54	70 Sq. Ft. per cell	2	54
SH Block 3 <sup>rd</sup> Floor	54	70 Sq. Ft. per cell	2	54
SH Block 4 <sup>th</sup> Floor	54	70 Sq. Ft. per cell	2	54
<b>TOTAL</b>	<b>215</b>			<b>215</b>
<b>Building 4</b>				
1 <sup>st</sup> Floor East	36	60 Sq. Ft. per cell	2	36
1 <sup>st</sup> Floor West	37	60 Sq. Ft. per cell	2	37
2 <sup>nd</sup> Floor East	35	60 Sq. Ft. per cell	2	35
2 <sup>nd</sup> Floor West	35	60 Sq. Ft. per cell	2	35
3 <sup>rd</sup> Floor East	35	60 Sq. Ft. per cell	2	35
3 <sup>rd</sup> Floor West	35	60 Sq. Ft. per cell	2	35
4 <sup>th</sup> Floor East	35	60 Sq. Ft. per cell	2	35
4 <sup>th</sup> Floor West	35	60 Sq. Ft. per cell	2	35
<b>Total</b>	<b>283</b>			<b>283</b>
<b>Building 49</b>				
1 <sup>st</sup> Floor East	30	48 Sq. Ft. per cell	2	30

Eastern Correctional Facility

1 <sup>st</sup> Floor West	30	48 Sq. Ft. per cell	2	30
2 <sup>nd</sup> Floor East	30	48 Sq. Ft. per cell	2	30
2 <sup>nd</sup> Floor West	30	48 Sq. Ft. per cell	2	30
3 <sup>rd</sup> Floor East	30	48 Sq. Ft. per cell	2	30
3 <sup>rd</sup> Floor West	30	48 Sq. Ft. per cell	2	30
4 <sup>th</sup> Floor East	30	48 Sq. Ft. per cell	2	30
<b>TOTAL</b>	<b>240</b>			<b>240</b>

**Individual Occupancy Housing Unit Total: 882**

**I. B. DOUBLE OCCUPANCY HOUSING UNITS USED FOR GENERAL HOUSING**

Name of Housing	Number of Double Housing Units	Total Size of Unit (Sq. Ft. of Floor Space)	# of Shower Available per Section	Proposed Inmate Capacity
N/A				

**Double Occupancy Housing Unit Total: N/A**

**I. C. MULTIPLE OCCUPANCY HOUSING UNITS USED FOR GENERAL HOUSING (NON-PROTOTYPICAL DORMS)**

Name of Housing Area/Section	Number of Toilets	Number of Sinks	Number of Showers	Total Size of Unit (Sq. Ft. of Floor Space)	Proposed Inmate Capacity
<b>Building 4</b>					
2 <sup>nd</sup> Floor East	2	4	3	1426 Sq. Ft. per room	21
3 <sup>rd</sup> Floor East	4	3	3	1365 Sq. Ft. per room	19
3 <sup>rd</sup> Floor West	2	3	3	1471 Sq. Ft. per room	19
<b>TOTAL</b>					<b>59</b>

**Multiple Occupancy Housing Unit Total: 59**

Eastern Correctional Facility

II. A. INDIVIDUAL OCCUPANCY HOUSING UNITS USED FOR SPECIAL HOUSING

Name of Housing Area/Section	Purpose/Type of Special Housing	Number of Individual Housing Units	Total Size of Unit (Sq. Ft. of Floor Space)	# of Shower Available per Section	Proposed Inmate Capacity
Building 85					
SP-HO	32		80 Sq. Ft. per cell	3	32
<b>Total</b>	<b>32</b>				<b>32</b>

**Individual Occupancy Special Housing Unit Total: 32**

II. B. MULTIPLE OCCUPANCY HOUSING UNITS USED FOR SPECIAL HOUSING

Name of Housing Area/Section	Number of Toilets	Number of Sinks	Number of Showers	Total Size of Unit (Sq. Ft. of Floor Space)	Proposed Inmate Capacity
N/A					

**Multiple Occupancy Special Housing Unit Total: N/A**

II. C. INDIVIDUAL OCCUPANCY HOUSING UNITS USED FOR INFIRMARY HOUSING

Name of Housing Area/Section	Purpose/Type of Special Housing	Number of Individual Housing Units	Total Size of Unit (Sq. Ft. of Floor Space)	# of Shower Available per Section	Proposed Inmate Capacity
Building 93					
HS-02	4		180 Sq. Ft. per room	4	4
<b>Total</b>	<b>4</b>				<b>4</b>

**Individual Occupancy Infirmary Housing Unit Total: 4**

Eastern Correctional Facility

II. D. MULTIPLE OCCUPANCY HOUSING UNITS USED FOR INFIRMARY HOUSING

Name of Housing Area/Section	Number of Toilets	Number of Sinks	Number of Showers	Total Size of Unit (Sq. Ft. of Floor Space)	Proposed Inmate Capacity
<b>Building 93</b>					
HS-IO	4	4	4	180 Sq. Ft. per room	4
HS-WD	2	2	2	510 Sq. Ft. per room	4
<b>TOTAL</b>					<b>8</b>

**Multiple Occupancy Infirmary Housing Unit Total: 8**

Eastern Correctional Facility

HOUSING TYPE	TOTALS
Subtotal Individual Housing Units Used for General Housing:	882
Subtotal Double Occupancy Housing Units Used for General Housing:	0
Subtotal Multiple Housing Units Used for General Housing:	59
Subtotal Individual Housing Units Used for Special Housing:	32
Subtotal Multiple Housing Units Used for Special Housing:	N/A
Subtotal Individual Housing Units Used for Infirmary Housing:	4
Subtotal Multiple Housing Units Used for Infirmary Housing:	8
<b>MAXIMUM FACILITY CAPACITY:</b>	985

The above-noted capacity is based upon the following:

1. The number of properly equipped individual and double occupancy housing units, including the number of properly equipped medical and mental health and any other special housing units;
2. The number of properly equipped multiple occupancy housing units, including the number of properly equipped medical and mental health and any other special housing units; and
3. The facility ability to provide required programs and services and to comply with other rules and regulations of 9 NYCRR Chapter IV which are related to facility capacity.

Adjustments have not been made based on the facility's ability to provide required programs and services and to comply with other rules and regulations of 9 NYCRR Chapter IV which are related to facility capacity.

Adjustments have been made based on the facility's ability to provide required programs and services and to comply with other rules and regulations of 9 NYCRR Chapter IV which are related to facility capacity. (Explain below.)

**COMMENTS:**

**This Maximum Facility Capacity has been prepared for the purpose of eliminating double cells.**

To the best of my knowledge all information contained in this formulation is correct.

Submitted by:  
  
 \_\_\_\_\_  
 (Preparer's Signature and Title, and Date)

Approved by:  
  
 Feb 20, 2013  
 (Signature Title and Date)

### FACILITY CONFIGURATION

EASTERN CORRECTIONAL FACILITY						
CAPACITY						
GENERAL CONFINEMENT		941				
INFIRMARY		12				
SHU		32				
<b>TOTAL</b>		<b>985</b>				
BUILDING	LOCATOR	BED	CONFIGURATION			
NUMBER	DESIGNATION	CAPACITY	ROOMS	CELLS	TEMP TOPS REMOVED	
<b>1</b>						
2nd Flr	NH-01	26		26-S	5T, 6T, 7T, 8T, 9T, 10T, 11T, 12T	
	NH-02	22		22-S		
	NH-03	26		26-S	5T, 6T, 7T, 8T, 9T, 10T, 11T, 12T	
	NH-04	22		22-S		
	NH-05	26		26-S	5T, 6T, 7T, 8T, 9T, 10T, 11T, 12T	OMH SATELITE
	NH-06	22		22-S		OMH SATELITE
		144				
<b>3</b>						
1st Flr	SH-09	26		26-S	3T, 4T, 5T, 6T, 7T, 8T, 9T, 10T, 11T, 12T	
	SH-10	27		27-S		
2nd Flr	SH-11	27		27-S		
	SH-12	27		27-S		
3rd Flr	SH-13	27		27-S		
	SH-14	27		27-S		
4th Flr	SH-15	27		27-S		
	SH-16	27		27-S		
		215				
<b>4</b>						
1st Flr East	EW-17	36		36-S	2T, 4T, 5T, 21T, 23T, 24T, 25T	
1st Flr West	WW-21	37		37-S	2T, 3T, 4T, 5T, 19T, 22T, 23T, 25T	
2nd Flr East	EW-18	35		35-S		
2nd Flr West	WW-22	35		35-S		
2nd Flr East	DR-0A	21	1-21			
3rd Flr East	EW-19	35		35-S		
3rd Flr West	WW-23	35		35-S		
3rd Flr East	DR-0B	19	1-19			
3rd Flr West	DR-0C	19	1-19			
4th Flr East	EW-20	35		35-S		
4th Flr West	WW-24	35		35-S		
		342				

49						
1st Flr East	B3-25	30		30-S		
1st Flr West	B3-26	30		30-S		
2nd Flr East	B3-27	30		30-S		
2nd Flr West	B3-28	30		30-S		
3rd Flr East	B3-29	30		30-S		
3rd Flr West	B3-30	30		30-S		
4th Flr East	B3-31	30		30-S		
4th Flr West	B3-32	30		30S		
		240				
85	SP-HO	32		32-S		<u>SHU</u>
		32				
93	HS-02	4		4-S		<u>INFIRMARY</u>
		4		1-4		
		4		1-4		
		12				



# AMENDMENT TO FACILITY MFC

**Facility:** Erie County Holding Center

**Date of Site Visit:** February 5, 2013

**Name of Person Who Conducted the Last Site Visit to Facility:**

Terrence Moran

**Date of Last MFC report**

2006

**Update on Capital Construction Project:**

Work on a new 36-bed reception housing dormitory continues. Substantial completion is scheduled for mid-March.

**Summary of amendment(s) to current MFC**

The MFC for the Montgomery County Jail is being revised to reflect the following:

1. Inclusion of the new reception housing dormitory for a total of 36 beds.
2. Elimination of 7 beds (one in each of 7 housing areas) previously converted to medical exam rooms.

**Recommendation/Comments:**

Recommend the Commission approve the revised MFC (640 beds) for the Erie County Holding Center.

Approve:     X    

**Amended Capacity: 640**

Deny: \_\_\_\_\_

No Recommendation:

(Check One)

Reviewed by Regional Supervisor: \_\_\_\_\_

Date: 3/4/13

Reviewed by Facility Planning: \_\_\_\_\_

Date: 3/4/13

Reviewed by Deputy Director: \_\_\_\_\_

Date: 3/5/13

**NEW YORK STATE  
COMMISSION OF CORRECTION**



**2013**

**MAXIMUM FACILITY CAPACITY**

**for**

**Erie County Holding Center  
in  
Buffalo, New York**

**Thomas A. Beilein**  
*Chairman*

**Phyllis Harrison-Ross, M.D.**  
*Commissioner*

## Erie County Holding Center MFC - 2013

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**NOTE: ONLY INDIVIDUAL HOUSING UNITS AND MULTIPLE OCCUPANCY HOUSING UNITS WHICH MEET THE FOLLOWING REQUIREMENTS PURSUANT TO 9 NYCRR PART 7040 ARE TO BE INCLUDED IN THIS CAPACITY FORMULATION.**

### **INDIVIDUAL OCCUPANCY HOUSING UNITS:**

1. Each such unit shall only house 1 inmate and contain at least 60 square feet of floor space.
2. Each such unit shall contain:  
1 bed and mattress;  
1 functioning toilet; and  
1 functioning sink.
3. At least 1 functioning shower shall be available for each tier/section of such units.

### **EXCEPTIONS:**

1. A unit may contain less than 60 square feet of floor space if such unit was originally constructed for single occupancy or rated for single occupancy by the Commission of Correction prior to the effective date Part 7040, September 13, 1989.
2. Each such unit used to house inmates apart from general population for the purpose of medical observation or treatment shall have a minimum of 80 square feet of floor space.
3. Required equipment (bed, mattress, toilet, sink) may be modified or excluded for units used for short term medical/mental health observation of inmates when the presence of such equipment may pose a threat to such inmates or to the safety or security of the facility.

### **MULTIPLE OCCUPANCY HOUSING UNITS:**

1. Each such unit shall provide a minimum of 50 square feet of floor space per inmate in the sleeping area.
2. Each such unit shall house no more than 60 inmates.
3. Each such unit shall have a bed and mattress for each inmate.
4. Each such unit shall have at least:  
1 functioning toilet for every 12 inmates;  
1 functioning shower for every 15 inmates; and  
1 functioning sink for every 12 inmates.
5. Each such unit shall provide a minimum of 25 square feet of dayroom space immediately adjacent and accessible to the sleeping area.

## Erie County Holding Center MFC - 2013

### I. A. INDIVIDUAL OCCUPANCY HOUSING UNITS USED FOR GENERAL HOUSING

Name of Housing Area/Section	Number of Individual Housing Units	Total Size of Unit (Sq. Ft. of Floor Space)	# of Shower Available per Section	Proposed Inmate Capacity
Alpha Long	28	47 sq. ft.	2	28
Alpha Short	22	37 sq. ft.	2	22
Bravo Seg.	8	47 sq. ft.	2	8
Bravo Long	28	47 sq. ft.	2	28
Bravo Short	22	37 sq. ft.	2	22
Charlie Seg.	8	47 sq. ft.	2	8
Charlie Long	28	47 sq. ft.	2	28
Charlie Short	22	37 sq. ft.	2	22
Echo Long	28	47 sq. ft.	2	28
Echo South**	35	71 sq. ft.	4	35
Echo North/East**	47	71 sq. ft.	4	47
Foxtrot North**	27	71 sq. ft.	2	27
Foxtrot East**	19	71 sq. ft.	2	19
Foxtrot South**	35	71sq. ft.	4	35
Gulf East**	19	71 sq. ft.	2	19
Gulf North**	27	71 sq. ft.	2	27
Gulf South	4	71 sq. ft.	2	4

**Individual Housing Unit Total: 407**

**\*\*Notes\*\*** This MFC reflects the vacating of one cell in each of the following housing areas, as those cells have been converted to a sick call room effective September 2011 and can no longer be used to house inmates: Echo South (Cell #99), Foxtrot South (Cell #49), Foxtrot East (Cell #29), Foxtrot North (Cell #14), Gulf East (Cell #29), Gulf North (Cell #14), and Echo Northeast (Cell #64).

The facility administration has the discretion to modify the designation of housing areas as deemed necessary to safely and securely house inmates in accordance with Correction Law 500-b and 9 NYCRR, Part 7013, Classification, 9 NYCRR, Part 7003 Security and Supervision, 9 NYCRR, Part 7040, Maximum Facility Capacity, and 9 NYCRR, Part 7041, Staffing (SCOC Position and Staffing Analysis).

## Erie County Holding Center MFC - 2013

### I. B. INDIVIDUAL OCCUPANCY HOUSING UNITS USED FOR SPECIAL HOUSING

Name of Housing Area/Section	Purpose/ Type of Special Housing	Number of Individual Housing Units	Total Size of Unit (Sq. Ft. of Floor Space)	# of Showers Available per Section	Maximum Inmate Capacity
Alpha Seg.	Admin. Seg.	8	47 sq. ft.	2	8
Bravo Iso.	Admin/Pun. Seg.	1	44 sq. ft.	1	0
Charlie Iso.	Admin./Pun. Seg.	1	44 sq. ft.	1	0
Delta Seg.	Admin. Seg.	8	37 sq. ft.	2	8
Delta Long	Forensic	27	47 sq. ft.	2	27
Delta Short	Forensic	22	37 sq. ft.	2	22
Delta North	Forensic	13	85 sq. ft.	1	13
Delta East	Forensic	10	85 sq. ft.	1	10
Delta Female	Medical	5	97 sq. ft.	1	5
Delta Male	Medical	4	72 sq. ft.	1	4
Delta Obsv. 59	Medical/Forensic	1	90 sq. ft.	1	1
Delta Obsv. 73	Medical/Forensic	1	77 sq. ft.	1	1
Echo Short <sup>1</sup>	Admin/Punitive Seg.	22	37 sq. ft.	2	22

**Individual Special Housing Unit Total: 121**

<sup>1</sup> When necessary, Echo Short may be designated as a general housing area. When designated as such, inmates subject to administrative/punitive segregation shall not be housed in this housing area.



## Erie County Holding Center MFC - 2013

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### II. B. MULTIPLE OCCUPANCY HOUSING UNITS USED FOR SPECIAL HOUSING

Name of Housing Area/Section	Number of Toilets	Number of Sinks	Number of Showers Available per Section	Total Size of Unit (Sq. Ft. of Floor Space)	Maximum Inmate Capacity
Alpha Dayroom	1	1	1	343 sq. ft.	4
Bravo Dayroom	1	1	1	343 sq. ft.	4
Charlie Dayroom	1	1	1	343 sq. ft.	4
Delta Dayroom	1	1	1	343 sq. ft.	4
Reception Housing	4	4	4	2700 sq. ft.	36

**Multiple Special Housing Unit Total: 52**

## Erie County Holding Center MFC - 2013

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### III. A. NON-STANDARD HOUSING

Name of Housing Area/Section	Number of Toilets	Number of Sinks	Total Size of Unit (Sq. Ft. of Floor Space)	Holding Capacity
Court Hold 1	1	1	281 sq. ft.	18
Court Hold 2	1	1	135 sq. ft.	9
Court Hold 3	1	1	194 sq. ft.	12
Court Hold 4	1	1	266 sq. ft.	17
Court Hold 5	1	1	217 sq. ft.	14
Court Hold 6	1	1	110 sq. ft.	7
Court Hold 7	1	1	383 sq. ft.	25
Isolation 1	1	1	77 sq. ft.	5
Isolation 2	1	1	77 sq. ft.	5
Isolation 3	1	1	77 sq. ft.	5
Isolation 4	1	1	77 sq. ft.	5
Isolation 5	1	1	62 sq. ft.	4
Intake Hold 1	1	1	304.50 sq. ft.	20
Intake Hold 2	1	1	103 sq. ft.	6
Intake Hold 3	1	1	437 sq. ft.	30
Reception Holding Pen	1	1	331 sq. ft.	22

**NOTE:** For all of the holding areas listed above, the facility shall limit individual occupancy holding to 12 hours. Multiple occupancy holding shall be limited to four (4) hours. This housing is non-standard and will not be added to the MFC.





Amendment to Facility MFC

Facility: Green Haven CF

Date of MFC Site Visit: February 21, 2013

Name of Person Who Conducted the MFC Site Visit at Facility: Elisha Hamilton, CFSI

Date of Last MFC report: N/A

Update on Capital Construction Project: N/A

Summary of amendment(s) to current MFC: An updated MFC reflecting the removal of 102 double bunks by DOCCS and return to original design capacity. (2170 -2068)

Recommendation/Comments: MFC verified by site visit and recommend this MFC be approved as submitted by DOCCS

Approve:

Deny:

No Recommendation:

(Check Once)

Amended Capacity: 2068

Prepared by: DOCCS

Date: 2-21-13

Reviewed by Regional Supervisor: [Signature]

Date: 2-28-13

Reviewed by Facilities Planning: [Signature]

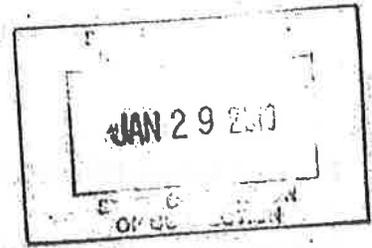
Date: 2-28-13

Reviewed by Deputy Director of Operations: [Signature]

Date: 2/27/13



STATE OF NEW YORK  
DEPARTMENT OF CORRECTIONS  
AND COMMUNITY SUPERVISION  
THE HARRIMAN STATE CAMPUS - BUILDING 2  
1220 WASHINGTON AVENUE  
ALBANY, N.Y. 12226-2050



ANDREW M. CUOMO  
GOVERNOR

BRIAN FISCHER  
COMMISSIONER

January 25, 2013

Honorable Thomas Beilein,  
Chairman and Commissioner  
New York State Commission of Correction  
80 So. Swan Street, 12th Floor  
Albany, New York 12210

Dear Chairman Beilein:

As you may be aware, staff from our respective agencies have worked collaboratively in the preparation of the requisite documentation regarding new Maximum Facility Capacity designations for Green Haven and Sing Sing Correctional Facilities. These new filings reflect the complete dismantling of all of the double-cells that had been converted from single cells at both facilities in the mid-nineties. Accordingly, enclosed herewith are Maximum Facility Capacity filings for both of these facilities. It is my understanding the Commission will consider this matter at its next meeting on February 19, 2013.

If you have any questions or require any additional information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian Fischer".

Brian Fischer  
Commissioner

Enclosures

**NEW YORK STATE  
COMMISSION OF CORRECTION**



**November 2012**

**MAXIMUM FACILITY CAPACITY**  
**for**  
**Green Haven Correctional Facility**  
**in**  
**Stormville, New York**

**Thomas A. Beilein**  
*Chairman*

**Phyllis Harrison-Ross M.D.**  
*Commissioner*

Green Haven Correctional Facility

**NOTE: ONLY INDIVIDUAL HOUSING UNITS, DOUBLE OCCUPANCY AND MULTIPLE OCCUPANCY HOUSING UNITS WHICH MEET THE FOLLOWING REQUIREMENTS PURSUANT TO 9 NYCRR PART 7621 ARE TO BE INCLUDED IN THIS CAPACITY FORMULATION.**

**INDIVIDUAL OCCUPANCY HOUSING UNITS:**

1. Each such unit shall only house 1 inmate and contain at least 60 square feet of floor space.
2. Each such unit shall contain:  
1 bed and mattress;  
1 functioning toilet; and  
1 functioning sink.
3. At least 1 functioning shower shall be available for each tier/section of such units.

**EXCEPTIONS:**

1. A unit may contain less than 60 square feet of floor space if such unit was originally constructed for single occupancy or rated for single occupancy by the Commission of Correction prior to the effective date Part 7621 August 3, 1988.
2. Each such unit used to house inmates apart from general population for the purpose of medical observation or treatment shall have a minimum of 80 square feet of floor space.
3. Required equipment (bed, mattress, toilet, sink) may be modified or excluded for units used for short term medical/mental health observation of inmates when the presence of such equipment may pose a threat to such inmates or to the safety or security of the facility.

**DOUBLE OCCUPANCY HOUSING UNITS:**

1. Each such unit shall only house 2 inmates and contain at least 23 square feet of floor space and be equipped to accommodate two inmates.
2. Each such unit shall contain:  
1 bed and mattress for each inmate;  
1 safe storage area for each inmate  
1 functioning toilet; and  
1 functioning sink.
3. At least 1 functioning shower shall be available for each tier/section of such units.

**MULTIPLE OCCUPANCY HOUSING UNITS:**

1. Each such unit shall provide a minimum of 50 square feet of floor space per inmate in the sleeping area.
2. Each such unit shall house no more than 60 inmates.
3. Each such unit shall have a bed and mattress for each inmate.
4. Each such unit shall have at least the following (unless it was constructed prior to the effective date Part 7621 August 3, 1988).  
1 functioning toilet for every 12 inmates;  
1 functioning shower for every 15 inmates; and  
1 functioning sink for every 12 inmates.

Green Haven Correctional Facility

**I. A. INDIVIDUAL OCCUPANCY HOUSING UNITS USED FOR GENERAL HOUSING**

Name of Housing Area/Section	Number of Individual Housing Units	Total Size of Unit (Sq. Ft. of Floor Space)	# of Shower Available per Section	Proposed Inmate Capacity
<b>Building 2</b>				
Drug Watch	2	130 Sq. Ft. per cell	1	2
<b>Total</b>	<b>2</b>			<b>2</b>
<b>Building No. 7</b>				
A Block 1 Company	41	50 Sq. Ft. per Cell	2	41
A Block 3 Company	41	50 Sq. Ft. per Cell	2	41
A Block 22 Company	41	50 Sq. Ft. per Cell	2	41
A Block 41 Company	41	50 Sq. Ft. per Cell	2	41
A Block 52 Company	41	50 Sq. Ft. per Cell	2	41
A Block 63 Company	41	50 Sq. Ft. per Cell	2	41
B Block 11 Company	41	50 Sq. Ft. per Cell	2	41
B Block 22 Company	41	50 Sq. Ft. per Cell	2	41
B Block 33 Company	41	50 Sq. Ft. per Cell	2	41
B Block 41 Company	41	50 Sq. Ft. per Cell	2	41
B Block 52 Company	41	50 Sq. Ft. per Cell	2	41
B Block 63 Company	41	50 Sq. Ft. per Cell	2	41
<b>Total</b>	<b>492</b>			<b>492</b>
<b>Building No. 8</b>				
C Block 1 Company	22	74 Sq. Ft. per Cell	2	22
C Block 2 Company	22	74 Sq. Ft. per Cell	2	22
C Block 3 Company	22	74 Sq. Ft. per Cell	2	22
C Block 4 Company	22	74 Sq. Ft. per Cell	2	22
C Block 5 Company	22	74 Sq. Ft. per Cell	2	22
C Block 6 Company	22	74 Sq. Ft. per Cell	2	22
D Block 1 Company	22	74 Sq. Ft. per Cell	2	22
D Block 2 Company	22	74 Sq. Ft. per Cell	2	22
D Block 3 Company	22	74 Sq. Ft. per Cell	2	22
D Block 4 Company	22	74 Sq. Ft. per Cell	2	22

Green Haven Correctional Facility

D Block 5 Company	22	74 Sq. Ft. per Cell	2	22
D Block 6 Company	22	74 Sq. Ft. per Cell	2	22
<b>Total</b>	<b>264</b>			<b>264</b>
<b>Building No. 9</b>				
E Block 11 Company	41	50 Sq. Ft. per Cell	2	41
E Block 22 Company	41	50 Sq. Ft. per Cell	2	41
E Block 33 Company	41	50 Sq. Ft. per Cell	2	41
E Block 41 Company	41	50 Sq. Ft. per Cell	2	41
E Block 52 Company	41	50 Sq. Ft. per Cell	2	41
E Block 63 Company	41	50 Sq. Ft. per Cell	2	41
F Block 11 Company	41	50 Sq. Ft. per Cell	2	41
F Block 22 Company	41	50 Sq. Ft. per Cell	2	41
F Block 33 Company	41	50 Sq. Ft. per Cell	2	41
F Block 41 Company	41	50 Sq. Ft. per Cell	2	41
F Block 52 Company	41	50 Sq. Ft. per Cell	2	41
F Block 63 Company	41	50 Sq. Ft. per Cell	2	41
<b>Total</b>	<b>492</b>			<b>492</b>
<b>Building No. 10</b>				
G Block 11 Company	41	50 Sq. Ft. per Cell	2	41
G Block 22 Company	41	50 Sq. Ft. per Cell	2	41
G Block 33 Company	41	50 Sq. Ft. per Cell	2	41
G Block 41 Company	41	50 Sq. Ft. per Cell	2	41
G Block 52 Company	41	50 Sq. Ft. per Cell	2	41
G Block 63 Company	41	50 Sq. Ft. per Cell	2	41
H Block 11 Company	41	50 Sq. Ft. per Cell	2	41
H Block 22 Company	41	50 Sq. Ft. per Cell	2	41
H Block 33 Company	41	50 Sq. Ft. per Cell	2	41
H Block 41 Company	41	50 Sq. Ft. per Cell	2	41
H Block 52 Company	41	50 Sq. Ft. per Cell	2	41
H Block 63 Company	41	50 Sq. Ft. per Cell	2	41
<b>Total</b>	<b>492</b>			<b>492</b>

Green Haven Correctional Facility

Building No. 15				
J Block 1 Company	36	56 Sq. Ft. per Cell	5	36
J Block 2 Company	28	56 Sq. Ft. per Cell	5	28
J Block 3 Company	36	56 Sq. Ft. per Cell	5	36
J Block 4 Company	36	56 Sq. Ft. per Cell	5	36
J Block 5 Company	27	56 Sq. Ft. per Cell	5	27
J Block 6 Company	36	56 Sq. Ft. per Cell	5	36
<b>Total</b>	<b>199</b>			<b>199</b>

**Individual Occupancy Housing Unit Total: 1,941**

**I. B. DOUBLE OCCUPANCY HOUSING UNITS USED FOR GENERAL HOUSING**

Name of Housing	Number of Double Housing Units	Total Size of Unit (Sq. Ft. of Floor Space)	# of Shower Available per Section	Proposed Inmate Capacity
N/A				

**Double Occupancy Housing Unit Total: N/A**

**I. C. MULTIPLE OCCUPANCY HOUSING UNITS USED FOR GENERAL HOUSING (NON-PROTOTYPICAL DORMS)**

Name of Housing Area/Section	Number of Toilets	Number of Sinks	Number of Showers	Total Size of Unit (Sq. Ft. of Floor Space)	Proposed Inmate Capacity
N/A					

**Multiple Occupancy Housing Unit Total: N/A**

Green Haven Correctional Facility

II. A. INDIVIDUAL OCCUPANCY HOUSING UNITS USED FOR SPECIAL HOUSING

Name of Housing Area/Section	Purpose/Type of Special Housing	Number of Individual Housing Units	Total Size of Unit (Sq. Ft. of Floor Space)	# of Shower Available per Section	Proposed Inmate Capacity
<b>Building 2</b>					
SH Block UU Company		50	46 Sq. Ft. per Cell	4	50
MH-OB		6	100 Sq. Ft. per Cell	1	6
MH-WD		1	316 Sq. Ft.	1	4
Condemned Unit		2	75 Sq. Ft. per Cell	1	2
AV Block 2 Company		2	3000 Sq. Ft. each	6	36
<b>Total</b>		<b>61</b>			<b>98</b>

**Individual Occupancy Special Housing Unit Total: 98**

II. B. MULTIPLE OCCUPANCY HOUSING UNITS USED FOR SPECIAL HOUSING

Name of Housing Area/Section	Number of Toilets	Number of Sinks	Number of Showers	Total Size of Unit (Sq. Ft. of Floor Space)	Proposed Inmate Capacity
N/A					

**Multiple Occupancy Special Housing Unit Total: N/A**

II. C. INDIVIDUAL OCCUPANCY HOUSING UNITS USED FOR INFIRMARY HOUSING

Name of Housing Area/Section	Purpose/Type of Special Housing	Number of Individual Housing Units	Total Size of Unit (Sq. Ft. of Floor Space)	# of Shower Available per Section	Proposed Inmate Capacity
<b>Building 73</b>					
HS-IO		9	183 Sq. Ft. per room	9	9
HS-WD		5	525 Sq. Ft.	4	20
<b>Total</b>		<b>14</b>			<b>29</b>

**Individual Occupancy Infirmary Housing Unit Total: 29**

Green Haven Correctional Facility

II. D. MULTIPLE OCCUPANCY HOUSING UNITS USED FOR INFIRMARY HOUSING

Name of Housing Area/Section	Number of Toilets	Number of Sinks	Number of Showers	Total Size of Unit (Sq. Ft. of Floor Space)	Proposed Inmate Capacity
N/A					

Multiple Occupancy Infirmary Housing Unit Total: N/A

Green Haven Correctional Facility

HOUSING TYPE	TOTALS
Subtotal Individual Housing Units Used for General Housing:	1,941
Subtotal Double Occupancy Housing Units Used for General Housing:	0
Subtotal Multiple Housing Units Used for General Housing:	N/A
Subtotal Individual Housing Units Used for Special Housing:	98
Subtotal Multiple Housing Units Used for Special Housing:	N/A
Subtotal Individual Housing Units Used for Infirmiry Housing:	29
Subtotal Multiple Housing Units Used for Infirmiry Housing:	N/A
<b>MAXIMUM FACILITY CAPACITY:</b>	<b>2,068</b>

The above-noted capacity is based upon the following:

1. The number of properly equipped individual and double occupancy housing units, including the number of properly equipped medical and mental health and any other special housing units;
2. The number of properly equipped multiple occupancy housing units, including the number of properly equipped medical and mental health and any other special housing units; and
3. The facility ability to provide required programs and services and to comply with other rules and regulations of 9 NYCRR Chapter IV which are related to facility capacity.

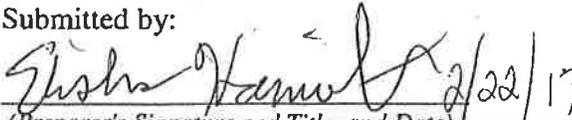
  X   Adjustments have not been made based on the facility's ability to provide required programs and services and to comply with other rules and regulations of 9 NYCRR Chapter IV which are related to facility capacity.

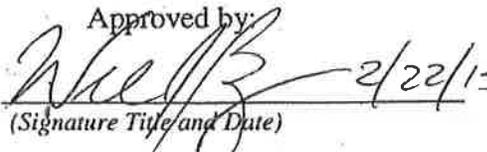
       Adjustments have been made based on the facility's ability to provide required programs and services and to comply with other rules and regulations of 9 NYCRR Chapter IV which are related to facility capacity.  
(Explain below.)

**COMMENTS:**

**This Maximum Facility Capacity has been prepared for the purpose of the elimination of double cell bunking.**

To the best of my knowledge all information contained in this formulation is correct.

Submitted by:  
  
 (Preparer's Signature and Title, and Date) 2/22/13

Approved by:  
  
 (Signature Title and Date) 2/22/13

## FACILITY CONFIGURATION

GREEN HAVEN CORRECTIONAL FACILITY					
<b>CAPACITY</b>					
GENERAL CONFINEMENT		1979			
INFIRMARY		29			
SHU		50			
OMH SATELITE		10			
<b>TOTAL</b>		<b>2068</b>			
<b>BUILDING</b>	<b>LOCATOR</b>	<b>BED</b>	<b>CONFIGURATION</b>	<b>CELLS</b>	<b>TEMP TOPS REMOVED</b>
<b>NUMBER</b>	<b>DESIGNATION</b>	<b>CAPACITY</b>	<b>ROOMS</b>		
2	AV-02	36			
	DW-02	1		1S	
	DW-H2	1		1S	
	MH-OB	6		6S	OMH SATELITE
	MH-WD	4	1-4		OMH SATELITE
	SH-UU	50		50S	SHU
	CU-00	2		2S	
		<b>100</b>			
7	0A-01	41		41S	
	0A-03	41		41S	
	0A-22	41		3-2, 38S	1T, 2T, 3T
	0A-41	41		3-2, 38S	43T, 44T, 45T
	0A-52	41		3-2, 38S	43T, 44T, 45T
	0A-63	41		3-2, 38S	43T, 44T, 45T
	0B-11	41		3-2, 38S	1T, 2T, 3T
	0B-22	41		3-2, 38S	1T, 2T, 3T
	0B-33	41		3-2, 38S	1T, 2T, 3T
	0B-41	41		3-2, 38S	43T, 44T, 45T
	0B-52	41		3-2, 38S	43T, 44T, 45T
	0B-63	41		3-2, 38S	43T, 44T, 45T
			<b>492</b>		
8	0C-01	22		22S	
	0C-02	22		22S	
	0C-03	22		22S	
	0C-04	22		22S	UPD
	0C-05	22		22S	
	0C-06	22		22S	
	0D-01	22		22S	
	0D-02	22		22S	
	0D-03	22		22S	
	0D-04	22		22S	
	0D-05	22		22S	
	0D-06	22		22S	
			<b>264</b>		

9	OE-11	41	3-2, 38S	1T, 2T, 3T	
	OE-22	41	3-2, 38S	1T, 2T, 3T	
	OE-33	41	3-2, 38S	1T, 2T, 3T	
	OE-41	41	3-2, 38S	43T, 44T, 45T	
	OE-52	41	3-2, 38S	43T, 44T, 45T	
	OE-63	41	3-2, 38S	43T, 44T, 45T	
	OF-11	41	3-2, 38S	1T, 2T, 3T	
	OF-22	41	3-2, 38S	1T, 2T, 3T	
	OF-33	41	3-2, 38S	1T, 2T, 3T	
	OF-41	41	3-2, 38S	43T, 44T, 45T	
	OF-52	41	3-2, 38S	43T, 44T, 45T	
	OF-63	41	3-2, 38S	43T, 44T, 45T	
		492			
10	OG-11	41	3-2, 38S	1T, 2T, 3T	
	OG-22	41	3-2, 38S	1T, 2T, 3T	
	OG-33	41	3-2, 38S	1T, 2T, 3T	
	OG-41	41	3-2, 38S	43T, 44T, 45T	
	OG-52	41	3-2, 38S	43T, 44T, 45T	
	OG-63	41	3-2, 38S	43T, 44T, 45T	
	OH-11	41	3-2, 38S	1T, 2T, 3T	
	OH-22	41	3-2, 38S	1T, 2T, 3T	
	OH-33	41	3-2, 38S	1T, 2T, 3T	
	OH-41	41	3-2, 38S	43T, 44T, 45T	
	OH-52	41	3-2, 38S	43T, 44T, 45T	
	OH-63	41	3-2, 38S	43T, 44T, 45T	
		492			
15	OJ-01	36	36S		
	OJ-02	28	28S		
	OJ-03	36	36S		
	OJ-04	36	36S		ICP
	OJ-05	27	27S		ICP
	OJ-06	36	36S		ICP
	199				
73	HS-IO	9	9S		
	HS-WD	20	5-4		
		29			

Amendment to Facility MFC

Facility: Shawangunk CF

Date of MFC Review: February 26, 2013

Name of Person Who Conducted the MFC Review: William Benjamin, CFSIII

Date of Last MFC report: N/A

Update on Capital Construction Project: N/A

Summary of amendment(s) to current MFC: An updated MFC reflecting the removal of 26 double bunks by DOCCS and return to original design capacity (558 to 532).

Recommendation/Comments: MFC verified by staff and recommend this MFC be approved as submitted by DOCCS

Approve:

Amended Capacity: 532

Deny:

No Recommendation:

(Check Once)

Prepared by: DOCCS

Date: 2-21-13

Reviewed by Regional Supervisor: WCB

Date: 2-26-13

Reviewed by Facilities Planning: WCB

Date: 2-26-13

Reviewed by Deputy Director of Operations: lh

Date: 2/27/13

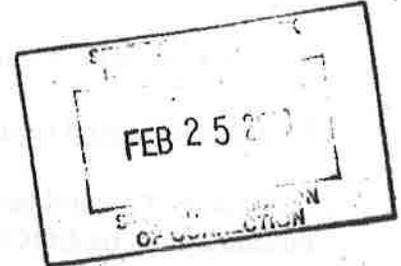


STATE OF NEW YORK  
DEPARTMENT OF CORRECTIONS  
AND COMMUNITY SUPERVISION  
THE HARRIMAN STATE CAMPUS – BUILDING 2  
1220 WASHINGTON AVENUE  
ALBANY, N.Y. 12226-2050

ANDREW M. CUOMO  
GOVERNOR

BRIAN FISCHER  
COMMISSIONER

February 21, 2013



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

Dear Chairman Beilein:

As you are aware, pursuant to the provisions of 9 NYCRR Section 7621.6 (k), the Department, since the mid-nineties, has been operating a number of "double occupancy units" or double-cells that were originally constructed for single-cell use. Due to recent changes in the inmate population demographics and the lessened demand for maximum security capacity, the Department has recently ceased operating all of the double-cells that were at Green Haven and Sing Sing Correctional Facilities. Additionally, at this time, the Department has completely dismantled all of its double-cells at Sullivan, Eastern and Shawangunk Correctional Facilities. This of course reduces the Maximum Facility Capacity (MFC) at each facility.

Sullivan Correctional Facility removed twenty-three (23) top beds, reducing their MFC from 589 to 566. Eastern Correctional Facility removed forty-nine (49) top beds, reducing their MFC from 1,034 to 985. Shawangunk Correctional Facility removed twenty-six (26) top beds, reducing their capacity from 558 to 532. We are including three completed NYS Commission of Correction Maximum Facility Capacity packets and Facility Configuration worksheets for your review and final determination. The beds are identified on the attached worksheets.

Thank you for your consideration of this request.

Sincerely,

Brian Fischer  
Commissioner

Attachments

cc: Theresa A. Knapp-David, Associate Commissioner

**NEW YORK STATE  
COMMISSION OF CORRECTION**



**November 2012**

**MAXIMUM FACILITY CAPACITY**

**for  
Shawangunk Correctional Facility  
in  
Wallkill, New York**

**Thomas A. Beilein**  
*Chairman*

**Phyllis Harrison-Ross M.D.**  
*Commissioner*

Shawangunk Correctional Facility

**NOTE: ONLY INDIVIDUAL HOUSING UNITS, DOUBLE OCCUPANCY AND MULTIPLE OCCUPANCY HOUSING UNITS WHICH MEET THE FOLLOWING REQUIREMENTS PURSUANT TO 9 NYCRR PART 7621 ARE TO BE INCLUDED IN THIS CAPACITY FORMULATION.**

**INDIVIDUAL OCCUPANCY HOUSING UNITS:**

1. Each such unit shall only house 1 inmate and contain at least 60 square feet of floor space.
2. Each such unit shall contain:  
1 bed and mattress;  
1 functioning toilet; and  
1 functioning sink.
3. At least 1 functioning shower shall be available for each tier/section of such units.

**EXCEPTIONS:**

1. A unit may contain less than 60 square feet of floor space if such unit was originally constructed for single occupancy or rated for single occupancy by the Commission of Correction prior to the effective date Part 7621 August 3, 1988.
2. Each such unit used to house inmates apart from general population for the purpose of medical observation or treatment shall have a minimum of 80 square feet of floor space.
3. Required equipment (bed, mattress, toilet, sink) may be modified or excluded for units used for short term medical/mental health observation of inmates when the presence of such equipment may pose a threat to such inmates or to the safety or security of the facility.

**DOUBLE OCCUPANCY HOUSING UNITS:**

1. Each such unit shall only house 2 inmates and contain at least 23 square feet of floor space and be equipped to accommodate two inmates.
2. Each such unit shall contain:  
1 bed and mattress for each inmate;  
1 safe storage area for each inmate  
1 functioning toilet; and  
1 functioning sink.
3. At least 1 functioning shower shall be available for each tier/section of such units.

**MULTIPLE OCCUPANCY HOUSING UNITS:**

1. Each such unit shall provide a minimum of 50 square feet of floor space per inmate in the sleeping area.
2. Each such unit shall house no more than 60 inmates.
3. Each such unit shall have a bed and mattress for each inmate.
4. Each such unit shall have at least the following (unless it was constructed prior to the effective date Part 7621 August 3, 1988).  
1 functioning toilet for every 12 inmates;  
1 functioning shower for every 15 inmates; and  
1 functioning sink for every 12 inmates.

Shawangunk Correctional Facility

I. A. INDIVIDUAL OCCUPANCY HOUSING UNITS USED FOR GENERAL HOUSING

Name of Housing Area/Section	Number of Individual Housing Units	Total Size of Unit (Sq. Ft. of Floor Space)	# of Shower Available per Section	Proposed Inmate Capacity
<b>Building No. 1</b>				
Wing A 1 <sup>st</sup> Floor	64	75 Sq. Ft. per cell	6	64
Wing A 2 <sup>nd</sup> Floor	64	75 Sq. Ft. per cell	6	64
Wing B 1 <sup>st</sup> Floor	64	75 Sq. Ft. per cell	5	64
Wing B 2 <sup>nd</sup> Floor	64	75 Sq. Ft. per cell	5	64
Wing C 1 <sup>st</sup> Floor	48	75 Sq. Ft. per cell	5	48
Wing C 2 <sup>nd</sup> Floor	64	75 Sq. Ft. per cell	5	64
Wing D 1 <sup>st</sup> Floor	64	75 Sq. Ft. per cell	7	64
Wing D 2 <sup>nd</sup> Floor	64	75 Sq. Ft. per cell	6	64
<b>Total</b>	<b>496</b>			<b>496</b>

**Individual Occupancy Housing Unit Total: 496**

I. B. DOUBLE OCCUPANCY HOUSING UNITS USED FOR GENERAL HOUSING

Name of Housing	Number of Double Housing Units	Total Size of Unit (Sq. Ft. of Floor Space)	# of Shower Available per Section	Proposed Inmate Capacity
N/A				

**Double Occupancy Housing Unit Total: N/A**

I. C. MULTIPLE OCCUPANCY HOUSING UNITS USED FOR GENERAL HOUSING (NON-PROTOTYPICAL DORMS)

Name of Housing Area/Section	Number of Toilets	Number of Sinks	Number of Showers	Total Size of Unit (Sq. Ft. of Floor Space)	Proposed Inmate Capacity
N/A					

**Multiple Occupancy Housing Unit Total: N/A**

Shawangunk Correctional Facility

II. A. INDIVIDUAL OCCUPANCY HOUSING UNITS USED FOR SPECIAL HOUSING

Name of Housing Area/Section	Purpose/Type of Special Housing	Number of Individual Housing Units	Total Size of Unit (Sq. Ft. of Floor Space)	# of Shower Available per Section	Proposed Inmate Capacity
Building 1					
Wing A 2 <sup>nd</sup> Fl.	16		88 Sq. Ft. per cell	3	16
Wing B 2 <sup>nd</sup> Fl.	8		88 Sq. Ft. per cell	2	8
<b>Total</b>	<b>24</b>				<b>24</b>

Individual Occupancy Special Housing Unit Total: 24

II. B. MULTIPLE OCCUPANCY HOUSING UNITS USED FOR SPECIAL HOUSING

Name of Housing Area/Section	Number of Toilets	Number of Sinks	Number of Showers	Total Size of Unit (Sq. Ft. of Floor Space)	Proposed Inmate Capacity
N/A					

Multiple Occupancy Special Housing Unit Total: N/A

II. C. INDIVIDUAL OCCUPANCY HOUSING UNITS USED FOR INFIRMARY HOUSING

Name of Housing Area/Section	Purpose/Type of Special Housing	Number of Individual Housing Units	Total Size of Unit (Sq. Ft. of Floor Space)	# of Shower Available per Section	Proposed Inmate Capacity
Building 10					
HS-2D	8		305 Sq. Ft. per room	2	8
HS-2I	4		273 Sq. Ft. per room	4	4
<b>Total</b>	<b>12</b>				<b>12</b>

Individual Occupancy Infirmary Housing Unit Total: 12

Shawangunk Correctional Facility

II. D. MULTIPLE OCCUPANCY HOUSING UNITS USED FOR INFIRMARY HOUSING

Name of Housing Area/Section	Number of Toilets	Number of Sinks	Number of Showers	Total Size of Unit (Sq. Ft. of Floor Space)	Proposed Inmate Capacity
N/A					

Multiple Occupancy Infirmary Housing Unit Total: N/A

Shawangunk Correctional Facility

HOUSING TYPE	TOTALS
Subtotal Individual Housing Units Used for General Housing:	496
Subtotal Double Occupancy Housing Units Used for General Housing:	0
Subtotal Multiple Housing Units Used for General Housing:	N/A
Subtotal Individual Housing Units Used for Special Housing:	24
Subtotal Multiple Housing Units Used for Special Housing:	N/A
Subtotal Individual Housing Units Used for Infirmery Housing:	12
Subtotal Multiple Housing Units Used for Infirmery Housing:	N/A
<b>MAXIMUM FACILITY CAPACITY:</b>	532

The above-noted capacity is based upon the following:

1. The number of properly equipped individual and double occupancy housing units, including the number of properly equipped medical and mental health and any other special housing units;
2. The number of properly equipped multiple occupancy housing units, including the number of properly equipped medical and mental health and any other special housing units; and
3. The facility ability to provide required programs and services and to comply with other rules and regulations of 9 NYCRR Chapter IV which are related to facility capacity.

  X   Adjustments have not been made based on the facility's ability to provide required programs and services and to comply with other rules and regulations of 9 NYCRR Chapter IV which are related to facility capacity:

       Adjustments have been made based on the facility's ability to provide required programs and services and to comply with other rules and regulations of 9 NYCRR Chapter IV which are related to facility capacity. (Explain below.)

**COMMENTS:**

**This Maximum Facility Capacity has been prepared for the purpose of eliminating double cells.**

To the best of my knowledge all information contained in this formulation is correct.

Submitted by:

*Anthony J. ...*

(Preparer's Signature and Title, and Date)

Approved by:

*W. J. ...* *CRSIA Feb 26, 2013*

(Signature Title and Date)

<b>SHAWANGUNK CORRECTIONAL FACILITY</b>					
<b>CAPACITY</b>					
GENERAL CONFINEMENT		496			
SHU		24			
INFIRMARY		12			
<b>TOTAL</b>		<b>532</b>			
SHAWANGUNK HOUSES INMATES IN TWO AREAS:					
LARGE INTERCONNECTED TWO STORY BUILDING "1" WITH FIVE COMPONENTS (DESIGNATED "A", "B", "C", "D" & "E")					
BUILDING "10" INFIRMARY					
<b>BUILDING</b>	<b>LOCATOR</b>	<b>BED</b>	<b>CONFIGURATION</b>		
<b>NUMBER</b>	<b>DESIGNATION</b>	<b>CAPACITY</b>	<b>ROOMS</b>	<b>CELLS</b>	<b>TEMP TOPS REMOVED</b>
1A 1st Flr	0A-11	32		32S	1T, 31T, 32T
	0A-12	32		32S	1T, 32T
1A 2nd Flr	0A-21	32		32S	33T, 34T, 64T
	0A-22	32		32S	33T, 64T
	SD-00	8		8-S	SHU/PC
	SH-UU	8		8-S	SHU
		<b>144</b>			
1B 1st Flr	0B-11	32		32S	
	0B-12	32		32S	
1B 2nd Flr	0B-21	32		32S	SOP
	0B-22	32		32S	SOP
	SH-00	8		8S	SHU
		<b>136</b>			
1C 1st Floor	0C-11	32		32S	1T, 32T
	0C-12	16		32S	1T, 32T
1C 2nd Floor	0C-21	32		16S	
	0C-22	32		32S	33T, 64T
		<b>112</b>			
1D 1st Floor	0D-11	32		3-2, 29S	1T, 31T, 32T
	0D-12	32		2-2, 30S	1T, 32T
1D 2nd Floor	0D-21	32		3-2, 29S	33T, 34T, 64T
	0D-22	32		2-2, 30S	33T, 64T
		<b>128</b>			
10	HS-2D	8		8S	INFIRMARY
	HS-2I	4		4S	INFIRMARY
		<b>12</b>			



Amendment to Facility MFC

Facility: Sing Sing CF

Date of MFC Site Visit: February 20, 2013

Name of Person Who Conducted the MFC Site Visit at Facility: Elisha Hamilton, CFSI

Date of Last MFC report: N/A

Update on Capital Construction Project: N/A

Summary of amendment(s) to current MFC: An updated MFC reflecting the removal of 50 double bunks by DOCCS and return to original design capacity. (1799-1749)

Recommendation/Comments: MFC verified by site visit and recommend this MFC be approved as submitted by DOCCS

Approve:

Amended Capacity: 1749

Deny:

No Recommendation:

(Check Once)

Prepared by: DOCCS

Date: 2-21-13

Reviewed by Regional Supervisor: [Signature]

Date: 2-25-13

Reviewed by Facilities Planning: [Signature]

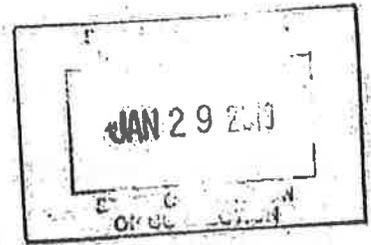
Date: 2-27-13

Reviewed by Deputy Director of Operations: [Signature]

Date: 2/27



STATE OF NEW YORK  
DEPARTMENT OF CORRECTIONS  
AND COMMUNITY SUPERVISION  
THE HARRIMAN STATE CAMPUS - BUILDING 2  
1220 WASHINGTON AVENUE  
ALBANY, N.Y. 12226-2050



ANDREW M. CUOMO  
GOVERNOR

BRIAN FISCHER  
COMMISSIONER

January 25, 2013

Honorable Thomas Beilein  
Chairman and Commissioner  
New York State Commission of Correction  
80 So. Swan Street, 12th Floor  
Albany, New York 12210

Dear Chairman Beilein:

As you may be aware, staff from our respective agencies have worked collaboratively in the preparation of the requisite documentation regarding new Maximum Facility Capacity designations for Green Haven and Sing Sing Correctional Facilities. These new filings reflect the complete dismantling of all of the double-cells that had been converted from single cells at both facilities in the mid-nineties. Accordingly, enclosed herewith are Maximum Facility Capacity filings for both of these facilities. It is my understanding the Commission will consider this matter at its next meeting on February 19, 2013.

If you have any questions or require any additional information, please do not hesitate to contact me.

Sincerely,

Brian Fischer  
Commissioner

Enclosures

**NEW YORK STATE  
COMMISSION OF CORRECTION**



**November 2012**

**MAXIMUM FACILITY CAPACITY**

**for  
Sing Sing Correctional Facility  
in  
Ossining, New York**

**Thomas A. Beilein**  
*Chairman*

**Phyllis Harrison-Ross M.D.**  
*Commissioner*

Sing Sing Correctional Facility

II. A. INDIVIDUAL OCCUPANCY HOUSING UNITS USED FOR SPECIAL HOUSING

Name of Housing Area/Section	Purpose/ Type of Special Housing	Number of Individual Housing Units	Total Size of Unit (Sq. Ft. of Floor Space)	# of Shower Available per Section	Proposed Inmate Capacity
Building 28					
C Block 1 Gallery		15	47 Sq. Ft. per cell	1	15
C Block 2 Gallery		15	47 Sq. Ft. per cell	1	15
<b>Total</b>					<b>30</b>

**Individual Occupancy Special Housing Unit Total: 30**

II. B. MULTIPLE OCCUPANCY HOUSING UNITS USED FOR SPECIAL HOUSING

Name of Housing Area/Section	Number of Toilets	Number of Sinks	Number of Showers	Total Size of Unit (Sq. Ft. of Floor Space)	Proposed Inmate Capacity
N/A					

**Multiple Occupancy Special Housing Unit Total: N/A**

II. C. INDIVIDUAL OCCUPANCY HOUSING UNITS USED FOR INFIRMARY HOUSING

Name of Housing Area/Section	Purpose/ Type of Special Housing	Number of Individual Housing Units	Total Size of Unit (Sq. Ft. of Floor Space)	# of Shower Available per Section	Proposed Inmate Capacity
Building 88					
HS-D2		2	190 Sq. Ft.	2	2
HS-I2		6	185 Sq. Ft.	6	6
HS-W2		12	480 Sq. Ft.	3	12
<b>Total</b>					<b>20</b>

**Individual Occupancy Infirmary Housing Unit Total: 20**

Sing Sing Correctional Facility

**II. D. MULTIPLE OCCUPANCY HOUSING UNITS USED FOR INFIRMARY HOUSING**

Name of Housing Area/Section	Number of Toilets	Number of Sinks	Number of Showers	Total Size of Unit (Sq. Ft. of Floor Space)	Proposed Inmate Capacity
N/A					

**Multiple Occupancy Infirmary Housing Unit Total: N/A**

Sing Sing Correctional Facility

HOUSING TYPE	TOTALS
Subtotal Individual Housing Units Used for General Housing:	1,699
Subtotal Double Occupancy Housing Units Used for General Housing:	0
Subtotal Multiple Housing Units Used for General Housing:	N/A
Subtotal Individual Housing Units Used for Special Housing:	30
Subtotal Multiple Housing Units Used for Special Housing:	N/A
Subtotal Individual Housing Units Used for Infirmary Housing:	20
Subtotal Multiple Housing Units Used for Infirmary Housing:	N/A
<b>MAXIMUM FACILITY CAPACITY:</b>	<b>1,749</b>

The above-noted capacity is based upon the following:

1. The number of properly equipped individual and double occupancy housing units, including the number of properly equipped medical and mental health and any other special housing units;
2. The number of properly equipped multiple occupancy housing units, including the number of properly equipped medical and mental health and any other special housing units; and
3. The facility ability to provide required programs and services and to comply with other rules and regulations of 9 NYCRR Chapter IV which are related to facility capacity.

Adjustments have not been made based on the facility's ability to provide required programs and services and to comply with other rules and regulations of 9 NYCRR Chapter IV which are related to facility capacity.

Adjustments have been made based on the facility's ability to provide required programs and services and to comply with other rules and regulations of 9 NYCRR Chapter IV which are related to facility capacity. (Explain below.)

**COMMENTS:**

**This Maximum Facility Capacity has been prepared for the purpose of the elimination of double cell bunking.**

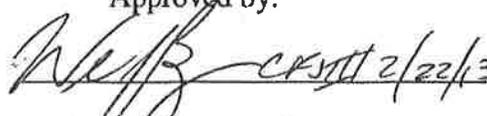
To the best of my knowledge all information contained in this formulation is correct.

Submitted by:

 2/22/13

(Preparer's Signature and Title, and Date)

Approved by:

 2/22/13

(Signature Title and Date)

### FACILITY CONFIGURATION

SING SING CORRECTIONAL FACILITY						
CAPACITY						
GENERAL CONFINEMENT		1681				
INFIRMARY		20				
SHU		30				
OMH SATELITE		18				
<b>TOTAL</b>		<b>1749</b>				
BUILDING NUMBER	LOCATOR DESIGNATION	BED CAPACITY	CONFIGURATION ROOMS	CELLS	TEMP TOPS REMOVED	
5	05-0A	68		68S	18T, 19T, 57T, 58T, 59T, 60T, 61T, 62T, 63T, 64T, 65T, 66T, 67T, 68T, 69T, 70T	
	05-0B	36		36S		
	05-0B	31		31S		CORP
	05-0C	72		72S		
	05-0D	64		64S		
		271				
7	07-0E	25		25S	12T, 13T	
	07-0F	28		28S	39T, 40T	
	07-0G	27		27S	67T, 68T	
		80				
8	MH-0B	6		6S		
	MH-WD	12	1-12			
		18				
28	0C-01	15		15S	SHU	
	0C-02	15		15S	SHU	
	0C-03	15		15S		
	0C-04	15		15S		
		60				
32	0A-HS	38		38S	22T, 23T, 24T, 25T, 26T, 27T, 28T, 29T	
	0A-HN	41		41S		
	0A-JS	44		44S		
	0A-JN	44		44S		
	0A-KS	44		44S		
	0A-KN	43		43S		
	0A-LS	44		44S		
	0A-LN	43		43S		

32 CONT.	0A-MS	43	43S	
	0A-MN	43	43S	
	0A-NS	43	43S	
	0A-NN	43	43S	
	0A-OS	43	43S	
	0A-ON	43	43S	
	0A-PS	43	43S	
	0A-PN	43	43S	
		685		
34	0B-OS	31	31S	31T
	0B-QN	21	21S	48T
	0B-RS	31	31S	31T
	0B-RN	31	31S	38T
	0B-SS	31	31S	31T
	0B-SN	31	31S	38T
	0B-TS	31	31S	31T
	0B-TN	31	31S	38T
	0B-US	31	31S	31T
	0B-UN	31	31S	38T
	0B-VS	32	32S	32T
	0B-VN	31	31S	38T
	0B-WS	32	32S	32T
	0B-WN	31	31S	38T
	0B-XS	32	32S	32T
	0B-XN	31	31S	38T
	0B-YS	32	32S	32T
	0B-YN	31	31S	38T
	0B-ZS	32	32S	32T
	0B-ZN	31	31S	38T
		615		
88	HS-D2	2	2S	
	HS-I2	6	6S	
	HS-W2	12	12S	
		20		





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

COMMISSIONER  
Phyllis Harrison-Ross, M.D.

March 19, 2013

Sheriff Vincent F. Demarco  
100 Center Drive  
Riverhead, New York 11901-3389

RE: Maximum Facility Capacity  
(Riverhead)

Dear Sheriff Demarco:

Please find attached the Maximum Facility Capacity (MFC) document for the Riverhead Facility for your department in Suffolk County. This MFC was approved at the March 19, 2013 Commission meeting and was formulated pursuant to 9 NYCRR 7040, Maximum Facility Capacity.

The general confinement capacity is 764 beds at standard, which does not include any variances the facility currently has pursuant to part 7040. This MFC was updated to include the holding areas in booking.

Pursuant to 7040.7(d), please acknowledge receipt of this document, along with any comments you may have by April 1, 2013.

If you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,

Thomas A. Beilein  
Chairman

CC: Warden Ewald  
Attachments:

**NEW YORK STATE  
COMMISSION OF CORRECTION**



**March 2013**

**MAXIMUM FACILITY CAPACITY**

**For**

**Suffolk County Correctional Facility  
in  
Riverhead, New York**

**Thomas A. Beilein**  
*Chairman*

**Phyllis Harrison-Ross, M.D.**  
*Commissioner*

**NOTE: ONLY INDIVIDUAL HOUSING UNITS AND MULTIPLE OCCUPANCY HOUSING UNITS WHICH MEET THE FOLLOWING REQUIREMENTS PURSUANT TO 9 NYCRR PART 7040 ARE TO BE INCLUDED IN THIS CAPACITY FORMULATION.**

**INDIVIDUAL OCCUPANCY HOUSING UNITS:**

1. Each such unit shall only house 1 inmate and contain at least 60 square feet of floor space.
2. Each such unit shall contain:  
1 bed and mattress;  
1 functioning toilet; and  
1 functioning sink.
3. At least 1 functioning shower shall be available for each tier/section of such units.  
*NOTE: The linear housing units at the Riverhead Facility are grandfathered in due the building being built prior to the code change.*

**EXCEPTIONS:**

1. A unit may contain less than 60 square feet of floor space if such unit was originally constructed for single occupancy or rated for single occupancy by the Commission of Correction prior to the effective date Part 7040, September 13, 1989.
2. Each such unit used to house inmates apart from general population for the purpose of medical observation or treatment shall have a minimum of 80 square feet of floor space.
3. Required equipment (bed, mattress, toilet, sink) may be modified or excluded for units used for short term medical/mental health observation of inmates when the presence of such equipment may pose a threat to such inmates or to the safety or security of the facility.

**MULTIPLE OCCUPANCY HOUSING UNITS:**

1. Each such unit shall provide a minimum of 50 square feet of floor space per inmate in the sleeping area.
2. Each such unit shall house no more than 60 inmates.
3. Each such unit shall have a bed and mattress for each inmate.
4. Each such unit shall have at least:  
1 functioning toilet for every 12 inmates;  
1 functioning shower for every 15 inmates; and  
1 functioning sink for every 12 inmates.
5. Each such unit shall provide a minimum of 25 square feet of dayroom space immediately adjacent and accessible to the sleeping area.

I. A. INDIVIDUAL OCCUPANCY HOUSING UNITS USED FOR GENERAL HOUSING

Name of Housing Area/Section	Number of Individual Housing Units	Total Size of Unit (Sq. Ft. of Floor Space)	# of Shower Available per Section	Proposed Inmate Capacity
Pod 1 East North	30	2835	4	30
Pod 1 East South	30	2835	4	30
Pod 1 West North	30	2835	4	30
Pod 1 West South	30	2835	4	30
Pod 3 East North	30	2835	4	30
Pod 3 East South	30	2835	4	30
Pod 3 West South	30	2835	4	30
Pod 3 West North	30	2835	4	30
1 East South	10	1116	1	10
1 ESH	7	420	1	7
1 South East	20	1758	1	20
1 South West	20	1758	1	20
3 East North	20	1758	1	20
3 East South	20	1758	1	20
3 South East	20	1758	1	20
3 South West	20	1758	1	20
3 West South	20	1758	1	20
3 West North	20	1758	1	20
4 East North	20	1758	1	20
4 East South	20	1758	1	20
4 West South	20	1758	1	20
4 West North	20	1758	1	20
5 West South	20	1758	1	20
5 West North	20	1758	1	20

**Individual Housing Unit Total: 537**

I. B. INDIVIDUAL OCCUPANCY HOUSING UNITS USED FOR SPECIAL HOUSING

Name of Housing Area/Section	Purpose/ Type of Special Housing	Number of Individual Housing Units	Total Size of Unit (Sq. Ft. of Floor Space)	# of Showers Available per Section	Maximum Inmate Capacity
1 East North	Reception	17	1536	1	17
1 East North H/C		1	90	1	1
Observation Bay	Ad Seg	5	481	1	5
2 East North	Ad Seg.	20	1758	1	20
2 ENH	Ad Seg	Gated	254	1 in front of tier	Gated
2 East South	Ad. Seg	20	1758	1	20
2 ESH	Ad. Seg	Gated	254	1 in front of tier	Gated
2 South East	Ad Seg	20	1758	1	20
2 South West	Ad Seg	20	1758	1	20
2 West South	Ad Seg	20	1758	1	20
2 West North	Ad Seg	20	1758	1	20
4 South East	Ad Seg	15	1332	1	15
4 SHE	Ad Seg	5	477	1	5
4 South West	Ad Seg	15	1332	1	15
4 SWH	Ad Seg	5	477	1	5
5 East North	Female Ad Seg	14	1252	1	14
5ENH	Female Ad Seg	6	506	1 in front of tier	6
5 East South	Female Ad Seg	15	1336	1	15
5 ESH	Ad Seg	5	422	1 in front of tier	5

**Individual Special Housing Unit Total: 223**



**II. B. MULTIPLE OCCUPANCY HOUSING UNITS USED FOR SPECIAL HOUSING**

Name of Housing Area/Section	Number of Toilets	Number of Sinks	Number of Showers Available per Section	Total Size of Unit (Sq. Ft. of Floor Space)	Maximum Inmate Capacity
Nursery	1	1	1	352	4

**Multiple Special Housing Unit Total: 4**

III. A. NON-STANDARD HOUSING UNITS USED FOR SPECIAL HOUSING

Name of Holding Area/Section	Number of Toilets	Number of Sinks	Total Size of Unit (Sq. Ft. of Floor Space)	Description of use (Limit as to use, time frame, etc.)
Admission and Discharge Multiple Holding Cell	1	1	294 sq/ft	<b>Multiple Occupancy</b> -Multiple occupancy holding shall be limited to four (4) hours. <b>Total 19 inmates.</b>
Admission and Discharge Multiple Holding Cell	1	1	172 sq/ft	<b>Multiple Occupancy</b> -Multiple occupancy holding shall be limited to four (4) hours. <b>Total 11 inmates.</b>
Admission and Discharge Multiple Holding Cell	1	1	155 sq/ft	<b>Multiple Occupancy</b> -Multiple occupancy holding shall be limited to four (4) hours. <b>Total 10 inmates.</b>
Admission and Discharge Multiple Holding Cell	1	1	142 sq/ft	<b>Multiple Occupancy</b> -Multiple occupancy holding shall be limited to four (4) hours. <b>Total 9 inmates.</b>
Admission and Discharge Single Holding Cell	1	1	48 sq/ft	<b>Single Cell</b> - The facility shall limit individual occupancy holding to 12 hours
Admission and Discharge Single Holding Cell	1	1	48 sq/ft	<b>Single Cell</b> - The facility shall limit individual occupancy holding to 12 hours
Admission and Discharge Single Holding Cell	1	1	48 sq/ft	<b>Single Cell</b> - The facility shall limit individual occupancy holding to 12 hours
Admission and Discharge Single Holding Cell	1	1	48 sq/ft	<b>Single Cell</b> - The facility shall limit individual occupancy holding to 12 hours
Admission and Discharge Single Holding Cell	1	1	48 sq/ft	<b>Single Cell</b> - The facility shall limit individual occupancy holding to 12 hours
Admission and Discharge Single Holding Cell	1	1	38 sq/ft	<b>Single Cell</b> - The facility shall limit individual occupancy holding to 12 hours
Admission and Discharge Single Holding Cell	1	1	38 sq/ft	<b>Single Cell</b> - The facility shall limit individual occupancy holding to 12 hours

**This housing may be used only for the type of housing, or for the durations shown, as listed in the right hand column. Any other use is prohibited. This housing is non-standard and will not be added to the MFC.**

HOUSING TYPE	TOTALS
Subtotal Individual Housing Units Used for General Housing:	537
Subtotal Individual Housing Units Used for Special Housing:	223
Subtotal Multiple Housing Units Used for General Housing:	
Subtotal Multiple Housing Units Used for Special Housing:	4
<b>MAXIMUM FACILITY CAPACITY:</b>	<b>764</b>

Other identified housing areas not on Max. Facility Capacity      Yes (  ) No (  )

The above-noted capacity is based upon the following:

1. The number of properly equipped individual occupancy housing units, including the number of properly equipped admissions, medical and mental health and any other special housing units;
2. The number of properly equipped multiple occupancy housing units, including the number of properly equipped admissions, medical and mental health and any other special housing units; and
3. The facility's ability to provide required programs and services and to comply with other rules and regulations of 9 NYCRR Chapter IV which are related to facility capacity.

\_\_\_\_\_ Adjustments have not been made based on the facility's ability to provide required program and services and to comply with other rules and regulations of 9 NYCRR Chapter IV which are related to facility capacity.

\_\_\_\_\_ Adjustments have been made based on the facility's ability to provide required programs and services and to comply with other rules and regulations of 9 NYCRR Chapter IV which are related to facility capacity. (Explain below.)

**COMMENTS:**

To the best of my knowledge all information contained in this formulation is correct.

Submitted by:

Approved by:

\_\_\_\_\_

\_\_\_\_\_

*(Preparer's Signature and Title, and Date)*

*(Signature Title and Date)*

Suffolk County Jail

Yaphank Facility

Transitional MFC

**Suffolk County Change in MFC and Variance proposal**

MFC effective	[REDACTED]	Total beds 558	Just opening the facility for booking, Medical and visiting
			• Completed at the February 20, 2013 Commission meeting
MFC effective	[REDACTED]	Total Beds 642	1 <sup>st</sup> set of inmate movement into the new Pods 14 per POD for a total of 84 inmates
MFC Effective	[REDACTED]	Total Beds 614	Second set of inmate movement into the new Pods 16 per-POD plus 20 in the new Dorm. For a total of 116 inmates <b>NOTE CLOSING OF North1, South 1, F1, F2 (-144 beds) from closing of the dorms</b>
MFC Effective	[REDACTED]	Total Beds 718	Third set of inmate movement into the new Pods 14 per POD and 20 into the dorm for a total of 104 inmates moved
MFC Effective	[REDACTED]	Total Beds 834	Final Move of inmates absent the medical housing of 20 Beds and Nursery housing of 4 beds
VARIANCE Expiring	[REDACTED]		Remove variance 95-V-09 (24) day space Yaphank variance space
VARIANCE Expiring	[REDACTED]		Remove variance 05-V-02 (60) Yaphank Gym (- 60 beds)
VARIANCE Reduced	[REDACTED]		Amend Variance 95-V-08 Riverhead Day space removes all Day space in the PODS (-49)
New Variance Effective	[REDACTED]		13-V-02 Yaphank Gym Swing Space NOT to Increase MFC Capacity

absent the medical housing of 20 Beds and Nursery housing of 4 beds

NOTE: the department must notify us if and when they are ready and staffed for an infirmary then the Commission will produce the final MFC adding an additional 24 beds

This will leave the following variances in effect

- 98-V-16                      192      Riverhead Double Celling
- 98-V-08                      176      Riverhead Day space – Changed from 223 to now 179
- 99-V-11                        5        DWI variance
- 00-V-07                        0        Riverhead gym Swing space
- 13-V-01                        0        Yaphank Gym Swing Space maintain 6 housing units

Total variance space    373    Down from 511

### Suffolk County Change in Variance proposal

Total working new space capacity	<b>444</b>
Less medical housing	-24 20 beds plus 4 nursery
Working new capacity	<b>420</b>
Less 10% classification capacity	- 42
New working housing capacity	<b>378</b> beds available
Closing of F1,F2, South1, South 2	-144
30, 30, 42, 42	
 New Capacity	 <b>234</b> beds available
Pull variance 95-V-09 (24) day space	-24 Yaphank variance space
New capacity	<b>210</b> beds available
Pull variance 05-V-02 (60) Yaphank Gym	- 60
Redo this variance as swing space – allows for the cleaning and renovations of currently used space at the Yaphank facility	<b>150</b> beds available
Change Variance 95-V-08 to remove all Day space in the PODS (49)	-49
	<b>101</b> beds available
Bring back all of the housed out	?

This will leave the following variances in effect

- 98-V-16                    192    Riverhead Double Celling
- 98-V-08                    179    Riverhead Day space – Changed from 223 to now 179
- 99-V-11                    5        DWI variance
- 00-V-07                    0        Riverhead gym Swing space
- 13-V-01                    0        Yaphank Gym Swing Space maintain 6 housing units

Total variance space    371    Down from 511



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STATE COMMISSION OF CORRECTION

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CHAIRMAN  
Thomas A. Beilein

COMMISSIONER  
Phyllis Harrison-Ross, M.D.

March 19, 2013

Sheriff Vincent F. Demarco  
100 Center Drive  
Riverhead, New York 11901-3389

RE: Maximum Facility Capacity

Dear Sheriff Demarco:

Please find attached four (4) revised Maximum Facility Capacity (MFC) document's for the Yaphank Facility for your department in Suffolk County. These are transitional MFC's approved at the March 19, 2013 Commission meeting. These MFC's are effective as indicated on the cover page of each document. This will allow for the gradual opening of the Yaphank facility absent medical housing.

As the department moves inmates into the new portion of the Yaphank Facility the Commission has authorize these MFC's to correspond to predetermined inmate move dates. Upon completion of the move of inmates into the Yaphank Facility your total MFC for the Yaphank Facility will be 834 beds. The MFC that is Effective [REDACTED] represents the 834 beds less the 24 beds in the medical unit. Until such time as the department and the county can present to the Commission specific housing needs in this area the Commission will not authorize housing of inmates in this space.

Pursuant to 7040.7(d), please acknowledge receipt of this document, along with any comments you may have by April 27, 2013.

If you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,

Thomas A. Beilein  
Chairman

CC: Warden Ewald  
Attachments:

**NEW YORK STATE  
COMMISSION OF CORRECTION**



**MAXIMUM FACILITY CAPACITY  
For**

**Yaphank Facility  
in  
New York**

**Thomas Beilein**  
*Chairman*

**Phyllis Harrison-Ross**  
*Commissioner*

**NOTE: ONLY INDIVIDUAL HOUSING UNITS AND MULTIPLE OCCUPANCY HOUSING UNITS WHICH MEET THE FOLLOWING REQUIREMENTS PURSUANT TO 9NYCRR PART 7040 ARE TO BE INCLUDED IN THIS CAPACITY FORMULATION.**

**INDIVIDUAL OCCUPANCY HOUSING UNITS:**

1. Each such unit shall only house 1 inmate and contain at least 60 square feet of floor space.
2. Each such unit shall contain:  
1 bed and mattress;  
1 functioning toilet; and  
1 functioning sink.
3. At least 1 functioning shower shall be available for each tier/section of such units.

**EXCEPTIONS:**

1. A unit may contain less than 60 square feet of floor space if such unit was originally constructed for single occupancy or rated for single occupancy by the Commission of Correction prior to the effective date Part 7040, September 13, 1989.
2. Each such unit used to house inmates apart from general population for the purpose of medical observation or treatment shall have a minimum of 80 square feet of floor space.
3. Required equipment (bed, mattress, toilet, sink) may be modified or excluded for units used for short term medical/mental health observation of inmates when the presence of such equipment may pose a threat to such inmates or to the safety or security of the facility.

**MULTIPLE OCCUPANCY HOUSING UNITS:**

1. Each such unit shall provide a minimum of 50 square feet of floor space per inmate in the sleeping area.
2. Each such unit shall house no more than 60 inmates.
3. Each such unit shall have a bed and mattress for each inmate.
4. Each such unit shall have at least:  
1 functioning toilet for every 12 inmates;  
1 functioning shower for every 15 inmates; and  
1 functioning sink for every 12 inmates.
5. Each such unit shall provide a minimum of 25 square feet of dayroom space immediately adjacent and accessible to the sleeping area.

I. A. INDIVIDUAL OCCUPANCY HOUSING UNITS USED FOR GENERAL HOUSING

Name of Housing Area/Section	Number of Individual Housing Units	Total Size of Unit (Sq. Ft. of Floor Space)	# of Shower Available per Section	Proposed Inmate Capacity
<b>HOUSING UNIT A</b>	<b>60</b>	<b>7621sq/ft Day Space</b>	<b>8</b>	<b>14</b>
<b>Sub day room A1</b>	<b>16</b>	<b>1238 sq/ft Day space</b>		
Cell 16	1	66sq/ft		
Cell 15	1	66sq/ft		
Cell 14	1	66sq/ft		
Cell 16	1	66sq/ft		
Cell 12	1	66sq/ft		
Cell 11	1	66sq/ft		
Cell 10	1	66sq/ft		
Cell 9	1	66sq/ft		
Cell 8	1	66sq/ft		
Cell 7	1	66sq/ft		
Cell 6	1	66sq/ft		
Cell 5	1	66sq/ft		
Cell 4	1	66sq/ft		
Cell 3	1	66sq/ft		
Cell 2	1	66sq/ft		
Cell 1	1	66sq/ft		
<b>Sub day room A2</b>	<b>14</b>	<b>1156 sq/ft Day space</b>		
Cell 30	1	66sq/ft		
Cell 29	1	66sq/ft		
Cell 28	1	66sq/ft		
Cell 27	1	66sq/ft		
Cell 26	1	88sq/ft		
Cell 25	1	88sq/ft		
Cell 24	1	88sq/ft		
Cell 23	1	88sq/ft		
Cell 22	1	66sq/ft		
Cell 21	1	66sq/ft		
Cell 20	1	66sq/ft		
Cell 19	1	66sq/ft		
Cell 18	1	66sq/ft		
Cell 17	1	66sq/ft		
Mezzanine A1	16	Same as above no sub day room (mirror Image)		
Mezzanine A2	14	Same as above no sub day room (mirror Image)		

**INDIVIDUAL OCCUPANCY HOUSING UNITS USED FOR GENERAL HOUSING**

Name of Housing Area/Section	Number of Individual Housing Units	Total Size of Unit (Sq. Ft. of Floor Space)	# of Shower Available per Section	Proposed Inmate Capacity
<b>HOUSING UNIT B</b>				
	60	7621 sq/ft Day Space	8	14
<b>Sub dayroom B1</b>	<b>16</b>	<b>1238 sq/ft Day space</b>		
Cell 16	1	66sq/ft		
Cell 15	1	66sq/ft		
Cell 14	1	66sq/ft		
Cell 13	1	66sq/ft		
Cell 12	1	66sq/ft		
Cell 11	1	66sq/ft		
Cell 10	1	66sq/ft		
Cell 9	1	66sq/ft		
Cell 8	1	66sq/ft		
Cell 7	1	66sq/ft		
Cell 6	1	66sq/ft		
Cell 5	1	66sq/ft		
Cell 4	1	66sq/ft		
Cell 3	1	66sq/ft		
Cell 2	1	66sq/ft		
Cell 1	1	66sq/ft		
<b>Sub dayroom B2</b>	<b>14</b>	<b>1156</b>		
Cell 30	1	66sq/ft		
Cell 29	1	66sq/ft		
Cell 28	1	66sq/ft		
Cell 27	1	66sq/ft		
Cell 26	1	88sq/ft		
Cell 25	1	88sq/ft		
Cell 24	1	88sq/ft		
Cell 23	1	88sq/ft		
Cell 22	1	66sq/ft		
Cell 21	1	66sq/ft		
Cell 20	1	66sq/ft		
Cell 19	1	66sq/ft		
Cell 18	1	66sq/ft		
Cell 17	1	66sq/ft		
<b>Mezzanine B1</b>	<b>16</b>	Same as above no sub day room (mirror Image)		
<b>Mezzanine B2</b>	<b>14</b>	Same as above no sub day room (mirror Image)		

I. A. INDIVIDUAL OCCUPANCY HOUSING UNITS USED FOR GENERAL HOUSING

Name of Housing Area/Section	Number of Individual Housing Units	Total Size of Unit (Sq. Ft. of Floor Space)	# of Shower Available per Section	Proposed Inmate Capacity
<b>HOUSING UNIT C</b>	<b>60</b>	<b>7621sq/ft Day Space</b>	<b>8</b>	<b>14</b>
<b>Sub dayroom C1</b>	<b>16</b>	<b>1238 sq/ft Day space</b>		
Cell 16	1	66sq/ft		
Cell 15	1	66sq/ft		
Cell 14	1	66sq/ft		
Cell 13	1	66sq/ft		
Cell 12	1	66sq/ft		
Cell 11	1	66sq/ft		
Cell 10	1	66sq/ft		
Cell 9	1	66sq/ft		
Cell 8	1	66sq/ft		
Cell 7	1	66sq/ft		
Cell 6	1	66sq/ft		
Cell 5	1	66sq/ft		
Cell 4	1	66sq/ft		
Cell 3	1	66sq/ft		
Cell 2	1	66sq/ft		
Cell 1	1	66sq/ft		
<b>Sub dayroom C2</b>	<b>14</b>	<b>1156 sq/ft Day space</b>		
Cell 30	1	66sq/ft		
Cell 29	1	66sq/ft		
Cell 28	1	66sq/ft		
Cell 27	1	66sq/ft		
Cell 26	1	88sq/ft		
Cell 25	1	88sq/ft		
Cell 24	1	88sq/ft		
Cell 23	1	88sq/ft		
Cell 22	1	66sq/ft		
Cell 21	1	66sq/ft		
Cell 20	1	66sq/ft		
Cell 19	1	66sq/ft		
Cell 18	1	66sq/ft		
Cell 17	1	66sq/ft		
Cell				
Mezzanine C1	16	Same as above no sub day room (mirror Image)		
Mezzanine C2	14	Same as above no sub day room (mirror Image)		

I. A. INDIVIDUAL OCCUPANCY HOUSING UNITS USED FOR GENERAL HOUSING

Name of Housing Area/Section	Number of Individual Housing Units	Total Size of Unit (Sq. Ft. of Floor Space)	# of Shower Available per Section	Proposed Inmate Capacity
<b>HOUSING UNIT D</b>	<b>60</b>	<b>7621sq/ft Day Space</b>	<b>8</b>	<b>14</b>
<b>Sub dayroom D1</b>	<b>16</b>	<b>1238 sq/ft Day space</b>		
Cell 16	1	66sq/ft		
Cell 15	1	66sq/ft		
Cell 14	1	66sq/ft		
Cell 13	1	66sq/ft		
Cell 12	1	66sq/ft		
Cell 11	1	66sq/ft		
Cell 10	1	66sq/ft		
Cell 9	1	66sq/ft		
Cell 8	1	66sq/ft		
Cell 7	1	66sq/ft		
Cell 6	1	66sq/ft		
Cell 5	1	66sq/ft		
Cell 4	1	66sq/ft		
Cell 3	1	66sq/ft		
Cell 2	1	66sq/ft		
Cell 1	1	66sq/ft		
<b>Sub dayroom C2</b>	<b>14</b>	<b>1156 sq/ft Day space</b>		
Cell 30	1	66sq/ft		
Cell 29	1	66sq/ft		
Cell 28	1	66sq/ft		
Cell 27	1	66sq/ft		
Cell 26	1	88sq/ft		
Cell 25	1	88sq/ft		
Cell 24	1	88sq/ft		
Cell 23	1	88sq/ft		
Cell 22	1	66sq/ft		
Cell 21	1	66sq/ft		
Cell 20	1	66sq/ft		
Cell 19	1	66sq/ft		
Cell 18	1	66sq/ft		
Cell 17	1	66sq/ft		
Mezzanine D1	16	Same as above no sub day room (mirror Image)		
Mezzanine D2	14	Same as above no sub day room (mirror Image)		

I. A. INDIVIDUAL OCCUPANCY HOUSING UNITS USED FOR GENERAL HOUSING

Name of Housing Area/Section	Number of Individual Housing Units	Total Size of Unit (Sq. Ft. of Floor Space)	# of Shower Available per Section	Proposed Inmate Capacity
<b>HOUSING UNIT E</b>	<b>60</b>	<b>7621sq/ft Day Space</b>	<b>8</b>	<b>14</b>
<b>Sub dayroom E1</b>	<b>16</b>	<b>1238 sq/ft Day space</b>		
Cell 16	1	66sq/ft		
Cell 15	1	66sq/ft		
Cell 14	1	66sq/ft		
Cell 13	1	66sq/ft		
Cell 12	1	66sq/ft		
Cell 11	1	66sq/ft		
Cell 10	1	66sq/ft		
Cell 9	1	66sq/ft		
Cell 8	1	66sq/ft		
Cell 7	1	66sq/ft		
Cell 6	1	66sq/ft		
Cell 5	1	66sq/ft		
Cell 4	1	66sq/ft		
Cell 3	1	66sq/ft		
Cell 2	1	66sq/ft		
Cell 1	1	66sq/ft		
<b>Sub dayroom E2</b>	<b>14</b>	<b>1156 sq/ft Day space</b>		
Cell 30	1	66sq/ft		
Cell 29	1	66sq/ft		
Cell 28	1	66sq/ft		
Cell 27	1	66sq/ft		
Cell 26	1	88sq/ft		
Cell 25	1	88sq/ft		
Cell 24	1	88sq/ft		
Cell 23	1	88sq/ft		
Cell 22	1	66sq/ft		
Cell 21	1	66sq/ft		
Cell 20	1	66sq/ft		
Cell 19	1	66sq/ft		
Cell 18	1	66sq/ft		
Cell 17	1	66sq/ft		
Mezzanine E1	16	Same as above no sub day room (mirror image)		
Mezzanine E2	14	Same as above no sub day room (mirror image)		

**I. A. INDIVIDUAL OCCUPANCY HOUSING UNITS USED FOR GENERAL HOUSING**

Name of Housing Area/Section	Number of Individual Housing Units	Total Size of Unit (Sq. Ft. of Floor Space)	# of Shower Available per Section	Proposed Inmate Capacity
<b>HOUSING UNIT F</b>	<b>60</b>	<b>7621sq/ft Day Space</b>	<b>8</b>	<b>14</b>
<b>Sub dayroom F1</b>	<b>16</b>	<b>1238 sq/ft Day space</b>		
Cell 16	1	66sq/ft		
Cell 15	1	66sq/ft		
Cell 14	1	66sq/ft		
Cell 13	1	66sq/ft		
Cell 12	1	66sq/ft		
Cell 11	1	66sq/ft		
Cell 10	1	66sq/ft		
Cell 9	1	66sq/ft		
Cell 8	1	66sq/ft		
Cell 7	1	66sq/ft		
Cell 6	1	66sq/ft		
Cell 5	1	66sq/ft		
Cell 4	1	66sq/ft		
Cell 3	1	66sq/ft		
Cell 2	1	66sq/ft		
Cell 1	1	66sq/ft		
<b>Sub dayroom F2</b>	<b>14</b>	<b>1156 sq/ft Day space</b>		
Cell 30	1	66sq/ft		
Cell 29	1	66sq/ft		
Cell 28	1	66sq/ft		
Cell 27	1	66sq/ft		
Cell 26	1	88sq/ft		
Cell 25	1	88sq/ft		
Cell 24	1	88sq/ft		
Cell 23	1	88sq/ft		
Cell 22	1	66sq/ft		
Cell 21	1	66sq/ft		
Cell 20	1	66sq/ft		
Cell 19	1	66sq/ft		
Cell 18	1	66sq/ft		
Cell 17	1	66sq/ft		
Mezzanine F1	16	Same as above no sub day room (mirror Image)		
Mezzanine F2	14	Same as above no sub day room (mirror Image)		

**Individual Occupancy Housing Unit Total: 84**

I. B. INDIVIDUAL OCCUPANCY HOUSING UNITS USED FOR SPECIAL HOUSING

Name of Housing Area/Section	Purpose/ Type of Special Housing	Number of Individual Housing Units	Total Size of Unit (Sq. Ft. of Floor Space)	# of Showers Available per Section	Maximum Inmate Capacity
<b>HEALTH SERVICES HOUSING</b>					
<b>Sub dayroom A 1899 sq/ft</b>	<b>Medical</b>	<b>10</b>			
Observation 1	Medical				
Observation 2	Medical				
Observation 3	Medical				
Observation 4	Medical				
Observation 5	Medical				
Observation 6	Medical				
Observation 7	Medical				
Observation 8	Medical				
Observation 9	Medical				
Observation 10	Medical				
<b>Sub dayroom B 823 sq/ft</b>	<b>Medical</b>	<b>6</b>			
Observation 11	Medical				
Observation 12	Medical				
Observation 13	Medical				
Observation 14	Medical				
Observation 15	Medical				
Observation 16	Medical				
<b>Sub dayroom C 784 sq/ft</b>	<b>Medical</b>	<b>4</b>			
Observation 17	Medical				
Observation 18	Medical				
Observation 19	Medical				
Observation 20	Medical				

**Individual Special Housing Unit Total: 0**

NOTE: This area has retractable doors to allow for separation of Males and Females. The doors may be utilized to the best possible configuration to fit the departments needs.

II. A. MULTIPLE OCCUPANCY HOUSING UNITS USED FOR GENERAL HOUSING

Name of Housing Area/Section	Number of Toilets	Number of Sinks	# of Showers Available per Section	Total Size of Unit (Sq. Ft. of Floor Space)	Maximum Inmate Capacity
<i>YP North 1</i>	6	5	6		42
YP North 2	8	8	5		60
YP North 3	8	8	5		60
<i>YP South 1</i>	6	5	5		42
YP South 2	8	8	5		60
YP South 3	8	8	6		60
YP South 4 - A					
YP South 4 Sub dayroom - B					
YP South 4 - C					
<i>YP F 1</i>	4	5	4		30
<i>YP F 2</i>	4	5	4		30
YP Stressed Membrane West	5	6*	4	4624 Sq Ft	60
YP Stressed Membrane East	5	6*	4	4624 Sq Ft	60

**Multiple General Housing Unit Total: 504**

- This indicates a gang sink with multiple faucets

II. B. MULTIPLE OCCUPANCY HOUSING UNITS USED FOR SPECIAL HOUSING

<b>Name of Housing Area/Section</b>	<b>Number of Toilets</b>	<b>Number of Sinks</b>	<b>Number of Showers Available per Section</b>	<b>Total Size of Unit (Sq. Ft. of Floor Space)</b>	<b>Maximum Inmate Capacity</b>
Nursery - Yaphank					
DWI Program Male					40
DWI Program Female					14

**Multiple Special Housing Unit Total: 54**

### III. A. NON-STANDARD HOUSING UNITS USED FOR SPECIAL HOUSING

<b>Name of Holding Area/Section</b>	<b>Number of Toilets</b>	<b>Number of Sinks</b>	<b>Total Size of Unit (Sq. Ft. of Floor Space)</b>	<b>Description of use (Limit as to use, time frame, etc.)</b>
Admission and Discharge Holding Cell BK 123-C3	1	1	53 sq/ft	<b>Single Cell</b> – The facility shall limit individual occupancy holding to 12 hours.
Admission and Discharge Holding Cell BK 122-C3	1	1	53 sq/ft	<b>Single Cell</b> – The facility shall limit individual occupancy holding to 12 hours.
Admission and Discharge Holding Cell BK 120 C-3	1	1	53 sq/ft	<b>Single Cell</b> – The facility shall limit individual occupancy holding to 12 hours.
Admission and Discharge Holding Cell BK 124	1	1	396 sq/ft	<b>Larger holding cell</b> - Multiple occupancy holding shall be limited to four (4) hours. <b>Total 24 inmates</b>
Admission and Discharge Holding Cell BK 128	1 Floor drain	0	48 sq/ft	<b>Dry Cell with center drain – Single Occupancy Cell</b> – The facility shall limit individual occupancy holding to 12 hours. <b>NOTE: May only be used if authorized by the Tour Commander</b>
Admission and Discharge Holding Cell BK 129	1	1	48 sq/ft	<b>Single Cell</b> – The facility shall limit individual occupancy holding to 12 hours.
Admission and Discharge Holding Cell BK 111	1		193 sq/ft	<b>Multiple Occupancy</b> -Multiple occupancy holding shall be limited to four (4) hours. <b>Total 12 inmates</b>
Admission and Discharge Holding Cell BK 113	1		217 sq/ft	<b>Multiple Occupancy</b> - Multiple occupancy holding shall be limited to four (4) hours: <b>Total 14 inmates</b>
Admission and Discharge Holding Cell BK 114	1		115 sq/ft	<b>Multiple Occupancy</b> - Multiple occupancy holding shall be limited to four (4) hours. <b>Total 7 inmates</b>
Admission and Discharge Holding Cell BK 130	1		288 sq/ft	<b>Multiple Occupancy</b> - Multiple occupancy holding shall be limited to four (4) hours. <b>Total 19 inmates</b>

**This housing may be used only for the type of housing, or for the durations shown, a listed in the right hand column. Any other use is prohibited. This housing is non-standard and will not be added to the MFC.**

Name of Holding Area/Section	Number of Toilets	Number of Sinks	Total Size of Unit (Sq. Ft. of Floor Space)	Description of use (Limit as to use, time frame, etc.)
Admission and Discharge Holding Cell BK 131	1		300 sq/ft	<b>Multiple Occupancy-</b> Multiple occupancy holding shall be limited to four (4) hours. <b>Total 20 inmates</b>
Admission and Discharge Holding Cell BK 136	1		88 sq/ft	<b>Multiple Occupancy-</b> Multiple occupancy holding shall be limited to four (4) hours. <b>Total 5 inmates</b>
Admission and Discharge Holding Cell BK 137	1		89 sq/ft	<b>Multiple Occupancy-</b> Multiple occupancy holding shall be limited to four (4) hours. <b>Total 5 inmates</b>
Admission and Discharge Holding Cell BK 140	1		117 sq/ft	<b>Multiple Occupancy-</b> Multiple occupancy holding shall be limited to four (4) hours. <b>Total 7 inmates</b>
<b>Open waiting room</b>			921 sq/ft	<b>Total of 61 inmates</b>
<p><b>This housing may be used only for the type of housing, or for the durations shown, as listed in the right hand column. Any other use is prohibited. This housing is non-standard and will not be added to the MFC.</b></p>				



**NEW YORK STATE  
COMMISSION OF CORRECTION**



**MAXIMUM FACILITY CAPACITY  
For**

**Yaphank Facility  
in  
New York**

**Thomas Beilein**  
*Chairman*

**Phyllis Harrison-Ross**  
*Commissioner*

**NOTE: ONLY INDIVIDUAL HOUSING UNITS AND MULTIPLE OCCUPANCY HOUSING UNITS WHICH MEET THE FOLLOWING REQUIREMENTS PURSUANT TO 9NYCRR PART 7040 ARE TO BE INCLUDED IN THIS CAPACITY FORMULATION.**

**INDIVIDUAL OCCUPANCY HOUSING UNITS:**

1. Each such unit shall only house 1 inmate and contain at least 60 square feet of floor space.
2. Each such unit shall contain:  
1 bed and mattress;  
1 functioning toilet; and  
1 functioning sink.
3. At least 1 functioning shower shall be available for each tier/section of such units.

**EXCEPTIONS:**

1. A unit may contain less than 60 square feet of floor space if such unit was originally constructed for single occupancy or rated for single occupancy by the Commission of Correction prior to the effective date Part 7040, September 13, 1989.
2. Each such unit used to house inmates apart from general population for the purpose of medical observation or treatment shall have a minimum of 80 square feet of floor space.
3. Required equipment (bed, mattress, toilet, sink) may be modified or excluded for units used for short term medical/mental health observation of inmates when the presence of such equipment may pose a threat to such inmates or to the safety or security of the facility.

**MULTIPLE OCCUPANCY HOUSING UNITS:**

1. Each such unit shall provide a minimum of 50 square feet of floor space per inmate in the sleeping area.
2. Each such unit shall house no more than 60 inmates.
3. Each such unit shall have a bed and mattress for each inmate.
4. Each such unit shall have at least:  
1 functioning toilet for every 12 inmates;  
1 functioning shower for every 15 inmates; and  
1 functioning sink for every 12 inmates.
5. Each such unit shall provide a minimum of 25 square feet of dayroom space immediately adjacent and accessible to the sleeping area.

I. A. INDIVIDUAL OCCUPANCY HOUSING UNITS USED FOR GENERAL HOUSING

Name of Housing Area/Section	Number of Individual Housing Units	Total Size of Unit (Sq. Ft. of Floor Space)	# of Shower Available per Section	Proposed Inmate Capacity
<b>HOUSING UNIT A</b>	<b>60</b>	<b>7621sq/ft Day Space</b>	<b>8</b>	<b>30</b>
<b>Sub day room A1</b>	<b>16</b>	<b>1238 sq/ft Day space</b>		
Cell 16	1	66sq/ft		
Cell 15	1	66sq/ft		
Cell 14	1	66sq/ft		
Cell 16	1	66sq/ft		
Cell 12	1	66sq/ft		
Cell 11	1	66sq/ft		
Cell 10	1	66sq/ft		
Cell 9	1	66sq/ft		
Cell 8	1	66sq/ft		
Cell 7	1	66sq/ft		
Cell 6	1	66sq/ft		
Cell 5	1	66sq/ft		
Cell 4	1	66sq/ft		
Cell 3	1	66sq/ft		
Cell 2	1	66sq/ft		
Cell 1	1	66sq/ft		
<b>Sub day room A2</b>	<b>14</b>	<b>1156 sq/ft Day space</b>		
Cell 30	1	66sq/ft		
Cell 29	1	66sq/ft		
Cell 28	1	66sq/ft		
Cell 27	1	66sq/ft		
Cell 26	1	88sq/ft		
Cell 25	1	88sq/ft		
Cell 24	1	88sq/ft		
Cell 23	1	88sq/ft		
Cell 22	1	66sq/ft		
Cell 21	1	66sq/ft		
Cell 20	1	66sq/ft		
Cell 19	1	66sq/ft		
Cell 18	1	66sq/ft		
Cell 17	1	66sq/ft		
Mezzanine A1	16	Same as above no sub day room (mirror Image)		
Mezzanine A2	14	Same as above no sub day room (mirror Image)		

**INDIVIDUAL OCCUPANCY HOUSING UNITS USED FOR GENERAL HOUSING**

Name of Housing Area/Section	Number of Individual Housing Units	Total Size of Unit (Sq. Ft. of Floor Space)	# of Shower Available per Section	Proposed Inmate Capacity
<b>HOUSING UNIT B</b>	<b>60</b>	<b>7621 sq/ft Day Space</b>	<b>8</b>	<b>30</b>
<b>Sub dayroom B1</b>	<b>16</b>	<b>1238 sq/ft Day space</b>		
Cell 16	1	66sq/ft		
Cell 15	1	66sq/ft		
Cell 14	1	66sq/ft		
Cell 13	1	66sq/ft		
Cell 12	1	66sq/ft		
Cell 11	1	66sq/ft		
Cell 10	1	66sq/ft		
Cell 9	1	66sq/ft		
Cell 8	1	66sq/ft		
Cell 7	1	66sq/ft		
Cell 6	1	66sq/ft		
Cell 5	1	66sq/ft		
Cell 4	1	66sq/ft		
Cell 3	1	66sq/ft		
Cell 2	1	66sq/ft		
Cell 1	1	66sq/ft		
<b>Sub dayroom B2</b>	<b>14</b>	<b>1156</b>		
Cell 30	1	66sq/ft		
Cell 29	1	66sq/ft		
Cell 28	1	66sq/ft		
Cell 27	1	66sq/ft		
Cell 26	1	88sq/ft		
Cell 25	1	88sq/ft		
Cell 24	1	88sq/ft		
Cell 23	1	88sq/ft		
Cell 22	1	66sq/ft		
Cell 21	1	66sq/ft		
Cell 20	1	66sq/ft		
Cell 19	1	66sq/ft		
Cell 18	1	66sq/ft		
Cell 17	1	66sq/ft		
Mezzanine B1	16	Same as above no sub day room (mirror Image)		
Mezzanine B2	14	Same as above no sub day room (mirror Image)		

I. A. INDIVIDUAL OCCUPANCY HOUSING UNITS USED FOR GENERAL HOUSING

Name of Housing Area/Section	Number of Individual Housing Units	Total Size of Unit (Sq. Ft. of Floor Space)	# of Shower Available per Section	Proposed Inmate Capacity
<b>HOUSING UNIT C</b>	<b>60</b>	<b>7621sq/ft Day Space</b>	<b>8</b>	<b>30</b>
<b>Sub dayroom C1</b>	<b>16</b>	<b>1238 sq/ft Day space</b>		
Cell 16	1	66sq/ft		
Cell 15	1	66sq/ft		
Cell 14	1	66sq/ft		
Cell 13	1	66sq/ft		
Cell 12	1	66sq/ft		
Cell 11	1	66sq/ft		
Cell 10	1	66sq/ft		
Cell 9	1	66sq/ft		
Cell 8	1	66sq/ft		
Cell 7	1	66sq/ft		
Cell 6	1	66sq/ft		
Cell 5	1	66sq/ft		
Cell 4	1	66sq/ft		
Cell 3	1	66sq/ft		
Cell 2	1	66sq/ft		
Cell 1	1	66sq/ft		
<b>Sub dayroom C2</b>	<b>14</b>	<b>1156 sq/ft Day space</b>		
Cell 30	1	66sq/ft		
Cell 29	1	66sq/ft		
Cell 28	1	66sq/ft		
Cell 27	1	66sq/ft		
Cell 26	1	88sq/ft		
Cell 25	1	88sq/ft		
Cell 24	1	88sq/ft		
Cell 23	1	88sq/ft		
Cell 22	1	66sq/ft		
Cell 21	1	66sq/ft		
Cell 20	1	66sq/ft		
Cell 19	1	66sq/ft		
Cell 18	1	66sq/ft		
Cell 17	1	66sq/ft		
Cell				
Mezzanine C1	16	Same as above no sub day room (mirror Image)		
Mezzanine C2	14	Same as above no sub day room (mirror Image)		

I. A. INDIVIDUAL OCCUPANCY HOUSING UNITS USED FOR GENERAL HOUSING

Name of Housing Area/Section	Number of Individual Housing Units	Total Size of Unit (Sq. Ft. of Floor Space)	# of Shower Available per Section	Proposed Inmate Capacity
<b>HOUSING UNIT D</b>	<b>60</b>	<b>7621sq/ft Day Space</b>	<b>8</b>	<b>30</b>
<b>Sub dayroom D1</b>	<b>16</b>	<b>1238 sq/ft Day space</b>		
Cell 16	1	66sq/ft		
Cell 15	1	66sq/ft		
Cell 14	1	66sq/ft		
Cell 13	1	66sq/ft		
Cell 12	1	66sq/ft		
Cell 11	1	66sq/ft		
Cell 10	1	66sq/ft		
Cell 9	1	66sq/ft		
Cell 8	1	66sq/ft		
Cell 7	1	66sq/ft		
Cell 6	1	66sq/ft		
Cell 5	1	66sq/ft		
Cell 4	1	66sq/ft		
Cell 3	1	66sq/ft		
Cell 2	1	66sq/ft		
Cell 1	1	66sq/ft		
<b>Sub dayroom C2</b>	<b>14</b>	<b>1156 sq/ft Day space</b>		
Cell 30	1	66sq/ft		
Cell 29	1	66sq/ft		
Cell 28	1	66sq/ft		
Cell 27	1	66sq/ft		
Cell 26	1	88sq/ft		
Cell 25	1	88sq/ft		
Cell 24	1	88sq/ft		
Cell 23	1	88sq/ft		
Cell 22	1	66sq/ft		
Cell 21	1	66sq/ft		
Cell 20	1	66sq/ft		
Cell 19	1	66sq/ft		
Cell 18	1	66sq/ft		
Cell 17	1	66sq/ft		
Mezzanine D1	16	Same as above no sub day room (mirror Image)		
Mezzanine D2	14	Same as above no sub day room (mirror Image)		

I. A. INDIVIDUAL OCCUPANCY HOUSING UNITS USED FOR GENERAL HOUSING

Name of Housing Area/Section	Number of Individual Housing Units	Total Size of Unit (Sq. Ft. of Floor Space)	# of Shower Available per Section	Proposed Inmate Capacity
<b>HOUSING UNIT E</b>	<b>60</b>	<b>7621sq/ft Day Space</b>	<b>8</b>	<b>30</b>
<b>Sub dayroom E1</b>	<b>16</b>	<b>1238 sq/ft Day space</b>		
Cell 16	1	66sq/ft		
Cell 15	1	66sq/ft		
Cell 14	1	66sq/ft		
Cell 13	1	66sq/ft		
Cell 12	1	66sq/ft		
Cell 11	1	66sq/ft		
Cell 10	1	66sq/ft		
Cell 9	1	66sq/ft		
Cell 8	1	66sq/ft		
Cell 7	1	66sq/ft		
Cell 6	1	66sq/ft		
Cell 5	1	66sq/ft		
Cell 4	1	66sq/ft		
Cell 3	1	66sq/ft		
Cell 2	1	66sq/ft		
Cell 1	1	66sq/ft		
<b>Sub dayroom E2</b>	<b>14</b>	<b>1156 sq/ft Day space</b>		
Cell 30	1	66sq/ft		
Cell 29	1	66sq/ft		
Cell 28	1	66sq/ft		
Cell 27	1	66sq/ft		
Cell 26	1	88sq/ft		
Cell 25	1	88sq/ft		
Cell 24	1	88sq/ft		
Cell 23	1	88sq/ft		
Cell 22	1	66sq/ft		
Cell 21	1	66sq/ft		
Cell 20	1	66sq/ft		
Cell 19	1	66sq/ft		
Cell 18	1	66sq/ft		
Cell 17	1	66sq/ft		
Mezzanine E1	16	Same as above no sub day room (mirror Image)		
Mezzanine E2	14	Same as above no sub day room (mirror Image)		

I. A. INDIVIDUAL OCCUPANCY HOUSING UNITS USED FOR GENERAL HOUSING

Name of Housing Area/Section	Number of Individual Housing Units	Total Size of Unit (Sq. Ft. of Floor Space)	# of Shower Available per Section	Proposed Inmate Capacity
<b>HOUSING UNIT F</b>	<b>60</b>	<b>7621sq/ft Day Space</b>	<b>8</b>	<b>30</b>
<b>Sub dayroom F1</b>	<b>16</b>	<b>1238 sq/ft Day space</b>		
Cell 16	1	66sq/ft		
Cell 15	1	66sq/ft		
Cell 14	1	66sq/ft		
Cell 13	1	66sq/ft		
Cell 12	1	66sq/ft		
Cell 11	1	66sq/ft		
Cell 10	1	66sq/ft		
Cell 9	1	66sq/ft		
Cell 8	1	66sq/ft		
Cell 7	1	66sq/ft		
Cell 6	1	66sq/ft		
Cell 5	1	66sq/ft		
Cell 4	1	66sq/ft		
Cell 3	1	66sq/ft		
Cell 2	1	66sq/ft		
Cell 1	1	66sq/ft		
<b>Sub dayroom F2</b>	<b>14</b>	<b>1156 sq/ft Day space</b>		
Cell 30	1	66sq/ft		
Cell 29	1	66sq/ft		
Cell 28	1	66sq/ft		
Cell 27	1	66sq/ft		
Cell 26	1	88sq/ft		
Cell 25	1	88sq/ft		
Cell 24	1	88sq/ft		
Cell 23	1	88sq/ft		
Cell 22	1	66sq/ft		
Cell 21	1	66sq/ft		
Cell 20	1	66sq/ft		
Cell 19	1	66sq/ft		
Cell 18	1	66sq/ft		
Cell 17	1	66sq/ft		
Mezzanine F1	16	Same as above no sub day room (mirror Image)		
Mezzanine F2	14	Same as above no sub day room (mirror Image)		

**Individual Occupancy Housing Unit Total: 180**

I. B. INDIVIDUAL OCCUPANCY HOUSING UNITS USED FOR SPECIAL HOUSING

Name of Housing Area/Section	Purpose/ Type of Special Housing	Number of Individual Housing Units	Total Size of Unit (Sq. Ft. of Floor Space)	# of Showers Available per Section	Maximum Inmate Capacity
<b>HEALTH SERVICES HOUSING</b>					
<b>Sub dayroom A 1899 sq/ft</b>	<b>Medical</b>	<b>10</b>			
Observation 1	Medical				
Observation 2	Medical				
Observation 3	Medical				
Observation 4	Medical				
Observation 5	Medical				
Observation 6	Medical				
Observation 7	Medical				
Observation 8	Medical				
Observation 9	Medical				
Observation 10	Medical				
<b>Sub dayroom B 823 sq/ft</b>	<b>Medical</b>	<b>6</b>			
Observation 11	Medical				
Observation 12	Medical				
Observation 13	Medical				
Observation 14	Medical				
Observation 15	Medical				
Observation 16	Medical				
<b>Sub dayroom C 784 sq/ft</b>	<b>Medical</b>	<b>4</b>			
Observation 17	Medical				
Observation 18	Medical				
Observation 19	Medical				
Observation 20	Medical				

**Individual Special Housing Unit Total: 0**

NOTE: This area has retractable doors to allow for separation of Males and Females. The doors may be utilized to the best possible configuration to fit the departments needs.

II. A. MULTIPLE OCCUPANCY HOUSING UNITS USED FOR GENERAL HOUSING

Name of Housing Area/Section	Number of Toilets	Number of Sinks	# of Showers Available per Section	Total Size of Unit (Sq. Ft. of Floor Space)	Maximum Inmate Capacity
<i>YP North 1</i>	6	5	6	<i>Closed for Rehab</i>	
YP North 2	8	8	5		60
YP North 3	8	8	5		60
<i>YP South 1</i>	6	5	5	<i>Closed for Rehab</i>	
YP South 2	8	8	5		60
YP South 3	8	8	6		60
YP South 4 - A					20
YP South 4 Sub dayroom - B					
YP South 4 - C					
<i>YP F 1</i>	4	5	4	<i>Closed for Rehab</i>	
<i>YP F 2</i>	4	5	4	<i>Closed for rehab</i>	
YP Stressed Membrane West	5	6*	4	4624 Sq Ft	60
YP Stressed Membrane East	5	6*	4	4624 Sq Ft	60

**Multiple General Housing Unit Total: 380**

- This indicates a gang sink with multiple faucets

II. B. MULTIPLE OCCUPANCY HOUSING UNITS USED FOR SPECIAL HOUSING

Name of Housing Area/Section	Number of Toilets	Number of Sinks	Number of Showers Available per Section	Total Size of Unit (Sq. Ft. of Floor Space)	Maximum Inmate Capacity
Nursery - Yaphank					
DWI Program Male					40
DWI Program Female					14

**Multiple Special Housing Unit Total: 54**

III. A. NON-STANDARD HOUSING UNITS USED FOR SPECIAL HOUSING

Name of Holding Area/Section	Number of Toilets	Number of Sinks	Total Size of Unit (Sq. Ft. of Floor Space)	Description of use (Limit as to use, time frame, etc.)
Admission and Discharge Holding Cell BK123-C3	1	1	53 sq/ft	<b>Single Cell</b> – The facility shall limit individual occupancy holding to 12 hours.
Admission and Discharge Holding Cell BK 122-C3	1	1	53 sq/ft	<b>Single Cell</b> – The facility shall limit individual occupancy holding to 12 hours.
Admission and Discharge Holding Cell BK 120 C-3	1	1	53 sq/ft	<b>Single Cell</b> – The facility shall limit individual occupancy holding to 12 hours.
Admission and Discharge Holding Cell BK 124	1	1	396 sq/ft	<b>Larger holding cell</b> - Multiple occupancy holding shall be limited to four (4) hours. <b>Total 24 inmates</b>
Admission and Discharge Holding Cell BK 128	1 Floor drain	0	48 sq/ft	<b>Dry Cell with center drain – Single Occupancy Cell</b> – The facility shall limit individual occupancy holding to 12 hours. <b>NOTE: May only be used if authorized by the Tour Commander</b>
Admission and Discharge Holding Cell BK 129	1	1	48 sq/ft	<b>Single Cell</b> – The facility shall limit individual occupancy holding to 12 hours.
Admission and Discharge Holding Cell BK 111	1		193 sq/ft	<b>Multiple Occupancy</b> -Multiple occupancy holding shall be limited to four (4) hours: <b>Total 12 inmates</b>
Admission and Discharge Holding Cell BK 113	1		217 sq/ft	<b>Multiple Occupancy</b> - Multiple occupancy holding shall be limited to four (4) hours. <b>Total 14 inmates</b>
Admission and Discharge Holding Cell BK 114	1		115 sq/ft	<b>Multiple Occupancy</b> - Multiple occupancy holding shall be limited to four (4) hours. <b>Total 7 inmates</b>
Admission and Discharge Holding Cell BK 130	1		288 sq/ft	<b>Multiple Occupancy</b> - Multiple occupancy holding shall be limited to four (4) hours. <b>Total 19 inmates</b>

**This housing may be used only for the type of housing, or for the durations shown, as listed in the right hand column. Any other use is prohibited. This housing is non-standard and will not be added to the MFC.**

Name of Holding Area/Section	Number of Toilets	Number of Sinks	Total Size of Unit (Sq. Ft. of Floor Space)	Description of use (Limit as to use, time frame, etc.)
Admission and Discharge Holding Cell BK 131	1		300 sq/ft	<b>Multiple Occupancy-</b> Multiple occupancy holding shall be limited to four (4) hours. <b>Total 20 inmates</b>
Admission and Discharge Holding Cell BK 136	1		88 sq/ft	<b>Multiple Occupancy-</b> Multiple occupancy holding shall be limited to four (4) hours. <b>Total 5 inmates</b>
Admission and Discharge Holding Cell BK 137	1		89 sq/ft	<b>Multiple Occupancy-</b> Multiple occupancy holding shall be limited to four (4) hours. <b>Total 5 inmates</b>
Admission and Discharge Holding Cell BK 140	1		117 sq/ft	<b>Multiple Occupancy-</b> Multiple occupancy holding shall be limited to four (4) hours. <b>Total 7 inmates</b>
<b>Open waiting room</b>			921 sq/ft	<b>Total of 61 inmates</b>
<p><b>This housing may be used only for the type of housing, or for the durations shown, as listed in the right hand column. Any other use is prohibited. This housing is non-standard and will not be added to the MFC.</b></p>				

HOUSING TYPE	TOTALS
Subtotal Individual Housing Units Used for General Housing:	180
Subtotal Individual Housing Units Used for Special Housing:	0
Subtotal Multiple Housing Units Used for General Housing:	380
Subtotal Multiple Housing Units Used for Special Housing:	54
<b>MAXIMUM FACILITY CAPACITY:</b>	614

Other identified housing areas not on Max. Facility Capacity      Yes ( ) No ( )

The above-noted capacity is based upon the following:

1. The number of properly equipped individual occupancy housing units, including the number of properly equipped admissions, medical and mental health and any other special housing units;
2. The number of properly equipped multiple occupancy housing units, including the number of properly equipped admissions, medical and mental health and any other special housing units; and
3. The facility ability to provide required programs and services and to comply with other rules and regulations of 9 NYCRR Chapter IV which are related to facility capacity.

\_\_\_\_\_ Adjustments have not been made based on the facility's ability to provide required programs and services and to comply with other rules and regulations of 9 NYCRR Chapter IV which are related to facility capacity.

\_\_\_\_\_ Adjustments have been made based on the facility's ability to provide required programs and services and to comply with other rules and regulations of 9 NYCRR Chapter IV which are related to facility capacity. (Explain below.)

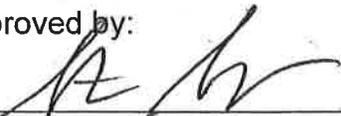
**COMMENTS:**

To the best of my knowledge all information contained in this formulation is correct.

Submitted by:

Approved by:

  
 \_\_\_\_\_  
 (Preparer's Signature and Title)

  
 \_\_\_\_\_  
 (Signature and Title)

2/28/13  
 \_\_\_\_\_  
 (Date)

2/28/13  
 \_\_\_\_\_  
 (Date)

**NEW YORK STATE  
COMMISSION OF CORRECTION**



**MAXIMUM FACILITY CAPACITY  
For**

**Yaphank Facility  
in  
New York**

**Thomas Beilein**  
*Chairman*

**Phyllis Harrison-Ross**  
*Commissioner*

**NOTE: ONLY INDIVIDUAL HOUSING UNITS AND MULTIPLE OCCUPANCY HOUSING UNITS WHICH MEET THE FOLLOWING REQUIREMENTS PURSUANT TO 9NYCRR PART 7040 ARE TO BE INCLUDED IN THIS CAPACITY FORMULATION.**

**INDIVIDUAL OCCUPANCY HOUSING UNITS:**

1. Each such unit shall only house 1 inmate and contain at least 60 square feet of floor space.
2. Each such unit shall contain:  
1 bed and mattress;  
1 functioning toilet; and  
1 functioning sink.
3. At least 1 functioning shower shall be available for each tier/section of such units.

**EXCEPTIONS:**

1. A unit may contain less than 60 square feet of floor space if such unit was originally constructed for single occupancy or rated for single occupancy by the Commission of Correction prior to the effective date Part 7040, September 13, 1989.
2. Each such unit used to house inmates apart from general population for the purpose of medical observation or treatment shall have a minimum of 80 square feet of floor space.
3. Required equipment (bed, mattress, toilet, sink) may be modified or excluded for units used for short term medical/mental health observation of inmates when the presence of such equipment may pose a threat to such inmates or to the safety or security of the facility.

**MULTIPLE OCCUPANCY HOUSING UNITS:**

1. Each such unit shall provide a minimum of 50 square feet of floor space per inmate in the sleeping area.
2. Each such unit shall house no more than 60 inmates.
3. Each such unit shall have a bed and mattress for each inmate.
4. Each such unit shall have at least:  
1 functioning toilet for every 12 inmates;  
1 functioning shower for every 15 inmates; and  
1 functioning sink for every 12 inmates.
5. Each such unit shall provide a minimum of 25 square feet of dayroom space immediately adjacent and accessible to the sleeping area.

I. A. INDIVIDUAL OCCUPANCY HOUSING UNITS USED FOR GENERAL HOUSING

Name of Housing Area/Section	Number of Individual Housing Units	Total Size of Unit (Sq. Ft. of Floor Space)	# of Shower Available per Section	Proposed Inmate Capacity
<b>HOUSING UNIT A</b>	<b>60</b>	<b>7621sq/ft Day Space</b>	<b>8</b>	<b>44</b>
<b>Sub day room A1</b>	<b>16</b>	<b>1238 sq/ft Day space</b>		
Cell 16	1	66sq/ft		
Cell 15	1	66sq/ft		
Cell 14	1	66sq/ft		
Cell 16	1	66sq/ft		
Cell 12	1	66sq/ft		
Cell 11	1	66sq/ft		
Cell 10	1	66sq/ft		
Cell 9	1	66sq/ft		
Cell 8	1	66sq/ft		
Cell 7	1	66sq/ft		
Cell 6	1	66sq/ft		
Cell 5	1	66sq/ft		
Cell 4	1	66sq/ft		
Cell 3	1	66sq/ft		
Cell 2	1	66sq/ft		
Cell 1	1	66sq/ft		
<b>Sub day room A2</b>	<b>14</b>	<b>1156 sq/ft Day space</b>		
Cell 30	1	66sq/ft		
Cell 29	1	66sq/ft		
Cell 28	1	66sq/ft		
Cell 27	1	66sq/ft		
Cell 26	1	88sq/ft		
Cell 25	1	88sq/ft		
Cell 24	1	88sq/ft		
Cell 23	1	88sq/ft		
Cell 22	1	66sq/ft		
Cell 21	1	66sq/ft		
Cell 20	1	66sq/ft		
Cell 19	1	66sq/ft		
Cell 18	1	66sq/ft		
Cell 17	1	66sq/ft		
Mezzanine A1	16	Same as above no sub day room (mirror Image)		
Mezzanine A2	14	Same as above no sub day room (mirror Image)		

**INDIVIDUAL OCCUPANCY HOUSING UNITS USED FOR GENERAL HOUSING**

Name of Housing Area/Section	Number of Individual Housing Units	Total Size of Unit (Sq. Ft. of Floor Space)	# of Shower Available per Section	Proposed Inmate Capacity
<b>HOUSING UNIT B</b>	<b>60</b>	<b>7621 sq/ft Day Space</b>	<b>8</b>	<b>44</b>
<b>Sub dayroom B1</b>	<b>16</b>	<b>1238 sq/ft Day space</b>		
Cell 16	1	66sq/ft		
Cell 15	1	66sq/ft		
Cell 14	1	66sq/ft		
Cell 13	1	66sq/ft		
Cell 12	1	66sq/ft		
Cell 11	1	66sq/ft		
Cell 10	1	66sq/ft		
Cell 9	1	66sq/ft		
Cell 8	1	66sq/ft		
Cell 7	1	66sq/ft		
Cell 6	1	66sq/ft		
Cell 5	1	66sq/ft		
Cell 4	1	66sq/ft		
Cell 3	1	66sq/ft		
Cell 2	1	66sq/ft		
Cell 1	1	66sq/ft		
<b>Sub dayroom B2</b>	<b>14</b>	<b>1156</b>		
Cell 30	1	66sq/ft		
Cell 29	1	66sq/ft		
Cell 28	1	66sq/ft		
Cell 27	1	66sq/ft		
Cell 26	1	88sq/ft		
Cell 25	1	88sq/ft		
Cell 24	1	88sq/ft		
Cell 23	1	88sq/ft		
Cell 22	1	66sq/ft		
Cell 21	1	66sq/ft		
Cell 20	1	66sq/ft		
Cell 19	1	66sq/ft		
Cell 18	1	66sq/ft		
Cell 17	1	66sq/ft		
<b>Mezzanine B1</b>	<b>16</b>	<b>Same as above no sub day room (mirror Image)</b>		
<b>Mezzanine B2</b>	<b>14</b>	<b>Same as above no sub day room (mirror Image)</b>		

I. A. INDIVIDUAL OCCUPANCY HOUSING UNITS USED FOR GENERAL HOUSING

Name of Housing Area/Section	Number of Individual Housing Units	Total Size of Unit (Sq. Ft. of Floor Space)	# of Shower Available per Section	Proposed Inmate Capacity
<b>HOUSING UNIT C</b>	<b>60</b>	<b>7621sq/ft Day Space</b>	<b>8</b>	<b>44</b>
<b>Sub dayroom C1</b>	<b>16</b>	<b>1238 sq/ft Day space</b>		
Cell 16	1	66sq/ft		
Cell 15	1	66sq/ft		
Cell 14	1	66sq/ft		
Cell 13	1	66sq/ft		
Cell 12	1	66sq/ft		
Cell 11	1	66sq/ft		
Cell 10	1	66sq/ft		
Cell 9	1	66sq/ft		
Cell 8	1	66sq/ft		
Cell 7	1	66sq/ft		
Cell 6	1	66sq/ft		
Cell 5	1	66sq/ft		
Cell 4	1	66sq/ft		
Cell 3	1	66sq/ft		
Cell 2	1	66sq/ft		
Cell 1	1	66sq/ft		
<b>Sub dayroom C2</b>	<b>14</b>	<b>1156 sq/ft Day space</b>		
Cell 30	1	66sq/ft		
Cell 29	1	66sq/ft		
Cell 28	1	66sq/ft		
Cell 27	1	66sq/ft		
Cell 26	1	88sq/ft		
Cell 25	1	88sq/ft		
Cell 24	1	88sq/ft		
Cell 23	1	88sq/ft		
Cell 22	1	66sq/ft		
Cell 21	1	66sq/ft		
Cell 20	1	66sq/ft		
Cell 19	1	66sq/ft		
Cell 18	1	66sq/ft		
Cell 17	1	66sq/ft		
Cell				
Mezzanine C1	16	Same as above no sub day room (mirror Image)		
Mezzanine C2	14	Same as above no sub day room (mirror Image)		

I. A. INDIVIDUAL OCCUPANCY HOUSING UNITS USED FOR GENERAL HOUSING

Name of Housing Area/Section	Number of Individual Housing Units	Total Size of Unit (Sq. Ft. of Floor Space)	# of Shower Available per Section	Proposed Inmate Capacity
<b>HOUSING UNIT D</b>	<b>60</b>	<b>7621sq/ft Day Space</b>	<b>8</b>	<b>44</b>
<b>Sub dayroom D1</b>	<b>16</b>	<b>1238 sq/ft Day space</b>		
Cell 16	1	66sq/ft		
Cell 15	1	66sq/ft		
Cell 14	1	66sq/ft		
Cell 13	1	66sq/ft		
Cell 12	1	66sq/ft		
Cell 11	1	66sq/ft		
Cell 10	1	66sq/ft		
Cell 9	1	66sq/ft		
Cell 8	1	66sq/ft		
Cell 7	1	66sq/ft		
Cell 6	1	66sq/ft		
Cell 5	1	66sq/ft		
Cell 4	1	66sq/ft		
Cell 3	1	66sq/ft		
Cell 2	1	66sq/ft		
Cell 1	1	66sq/ft		
<b>Sub dayroom C2</b>	<b>14</b>	<b>1156 sq/ft Day space</b>		
Cell 30	1	66sq/ft		
Cell 29	1	66sq/ft		
Cell 28	1	66sq/ft		
Cell 27	1	66sq/ft		
Cell 26	1	88sq/ft		
Cell 25	1	88sq/ft		
Cell 24	1	88sq/ft		
Cell 23	1	88sq/ft		
Cell 22	1	66sq/ft		
Cell 21	1	66sq/ft		
Cell 20	1	66sq/ft		
Cell 19	1	66sq/ft		
Cell 18	1	66sq/ft		
Cell 17	1	66sq/ft		
Mezzanine D1	16	Same as above no sub day room (mirror Image)		
Mezzanine D2	14	Same as above no sub day room (mirror Image)		

I. A. INDIVIDUAL OCCUPANCY HOUSING UNITS USED FOR GENERAL HOUSING

Name of Housing Area/Section	Number of Individual Housing Units	Total Size of Unit (Sq. Ft. of Floor Space)	# of Shower Available per Section	Proposed Inmate Capacity
<b>HOUSING UNIT E</b>	<b>60</b>	<b>7621sq/ft Day Space</b>	<b>8</b>	<b>44</b>
<b>Sub dayroom E1</b>	<b>16</b>	<b>1238 sq/ft Day space</b>		
Cell 16	1	66sq/ft		
Cell 15	1	66sq/ft		
Cell 14	1	66sq/ft		
Cell 13	1	66sq/ft		
Cell 12	1	66sq/ft		
Cell 11	1	66sq/ft		
Cell 10	1	66sq/ft		
Cell 9	1	66sq/ft		
Cell 8	1	66sq/ft		
Cell 7	1	66sq/ft		
Cell 6	1	66sq/ft		
Cell 5	1	66sq/ft		
Cell 4	1	66sq/ft		
Cell 3	1	66sq/ft		
Cell 2	1	66sq/ft		
Cell 1	1	66sq/ft		
<b>Sub dayroom E2</b>	<b>14</b>	<b>1156 sq/ft Day space</b>		
Cell 30	1	66sq/ft		
Cell 29	1	66sq/ft		
Cell 28	1	66sq/ft		
Cell 27	1	66sq/ft		
Cell 26	1	88sq/ft		
Cell 25	1	88sq/ft		
Cell 24	1	88sq/ft		
Cell 23	1	88sq/ft		
Cell 22	1	66sq/ft		
Cell 21	1	66sq/ft		
Cell 20	1	66sq/ft		
Cell 19	1	66sq/ft		
Cell 18	1	66sq/ft		
Cell 17	1	66sq/ft		
<b>Mezzanine E1</b>	<b>16</b>	Same as above no sub day room (mirror Image)		
<b>Mezzanine E2</b>	<b>14</b>	Same as above no sub day room (mirror Image)		

**I. A. INDIVIDUAL OCCUPANCY HOUSING UNITS USED FOR GENERAL HOUSING**

Name of Housing Area/Section	Number of Individual Housing Units	Total Size of Unit (Sq. Ft. of Floor Space)	# of Shower Available per Section	Proposed Inmate Capacity
<b>HOUSING UNIT F</b>	<b>60</b>	<b>7621sq/ft Day Space</b>	<b>8</b>	<b>44</b>
<b>Sub dayroom F1</b>	<b>16</b>	<b>1238 sq/ft Day space</b>		
Cell 16	1	66sq/ft		
Cell 15	1	66sq/ft		
Cell 14	1	66sq/ft		
Cell 13	1	66sq/ft		
Cell 12	1	66sq/ft		
Cell 11	1	66sq/ft		
Cell 10	1	66sq/ft		
Cell 9	1	66sq/ft		
Cell 8	1	66sq/ft		
Cell 7	1	66sq/ft		
Cell 6	1	66sq/ft		
Cell 5	1	66sq/ft		
Cell 4	1	66sq/ft		
Cell 3	1	66sq/ft		
Cell 2	1	66sq/ft		
Cell 1	1	66sq/ft		
<b>Sub dayroom F2</b>	<b>14</b>	<b>1156 sq/ft Day space</b>		
Cell 30	1	66sq/ft		
Cell 29	1	66sq/ft		
Cell 28	1	66sq/ft		
Cell 27	1	66sq/ft		
Cell 26	1	88sq/ft		
Cell 25	1	88sq/ft		
Cell 24	1	88sq/ft		
Cell 23	1	88sq/ft		
Cell 22	1	66sq/ft		
Cell 21	1	66sq/ft		
Cell 20	1	66sq/ft		
Cell 19	1	66sq/ft		
Cell 18	1	66sq/ft		
Cell 17	1	66sq/ft		
Mezzanine F1	16	Same as above no sub day room (mirror Image)		
Mezzanine F2	14	Same as above no sub day room (mirror Image)		

**Individual Occupancy Housing Unit Total: 264**

I. B. INDIVIDUAL OCCUPANCY HOUSING UNITS USED FOR SPECIAL HOUSING

Name of Housing Area/Section	Purpose/ Type of Special Housing	Number of Individual Housing Units	Total Size of Unit (Sq. Ft. of Floor Space)	# of Showers Available per Section	Maximum Inmate Capacity
<b>HEALTH SERVICES HOUSING</b>					
<b>Sub dayroom A 1899 sq/ft</b>	<b>Medical</b>	<b>10</b>			
Observation 1	Medical				
Observation 2	Medical				
Observation 3	Medical				
Observation 4	Medical				
Observation 5	Medical				
Observation 6	Medical				
Observation 7	Medical				
Observation 8	Medical				
Observation 9	Medical				
Observation 10	Medical				
<b>Sub dayroom B 823 sq/ft</b>	<b>Medical</b>	<b>6</b>			
Observation 11	Medical				
Observation 12	Medical				
Observation 13	Medical				
Observation 14	Medical				
Observation 15	Medical				
Observation 16	Medical				
<b>Sub dayroom C 784 sq/ft</b>	<b>Medical</b>	<b>4</b>			
Observation 17	Medical				
Observation 18	Medical				
Observation 19	Medical				
Observation 20	Medical				

**Individual Special Housing Unit Total: 0**

NOTE: This area has retractable doors to allow for separation of Males and Females. The doors may be utilized to the best possible configuration to fit the departments needs.

II. A. MULTIPLE OCCUPANCY HOUSING UNITS USED FOR GENERAL HOUSING

Name of Housing Area/Section	Number of Toilets	Number of Sinks	# of Showers Available per Section	Total Size of Unit (Sq. Ft. of Floor Space)	Maximum Inmate Capacity
<i>YP North 1</i>	6	5	6	<i>Closed for Rehab</i>	
YP North 2	8	8	5		60
YP North 3	8	8	5		60
<i>YP South 1</i>	6	5	5	<i>Closed for Rehab</i>	
YP South 2	8	8	5		60
YP South 3	8	8	6		60
YP South 4 - A					20
YP South 4 Sub dayroom - B					20
YP South 4 - C					
<i>YP F 1</i>	4	5	4	<i>Closed for Rehab</i>	
<i>YP F 2</i>	4	5	4	<i>Closed for rehab</i>	
YP Stressed Membrane West	5	6*	4	4624 Sq Ft	60
YP Stressed Membrane East	5	6*	4	4624 Sq Ft	60

**Multiple General Housing Unit Total: 400**

- This indicates a gang sink with multiple faucets

II. B. MULTIPLE OCCUPANCY HOUSING UNITS USED FOR SPECIAL HOUSING

Name of Housing Area/Section	Number of Toilets	Number of Sinks	Number of Showers Available per Section	Total Size of Unit (Sq. Ft. of Floor Space)	Maximum Inmate Capacity
Nursery - Yaphank					
DWI Program Male					40
DWI Program Female					14

**Multiple Special Housing Unit Total: 54**

### III. A. NON-STANDARD HOUSING UNITS USED FOR SPECIAL HOUSING

Name of Holding Area/Section	Number of Toilets	Number of Sinks	Total Size of Unit (Sq. Ft. of Floor Space)	Description of use (Limit as to use, time frame, etc.)
Admission and Discharge Holding Cell BK123-C3	1	1	53 sq/ft	<b>Single Cell</b> – The facility shall limit individual occupancy holding to 12 hours.
Admission and Discharge Holding Cell BK 122-C3	1	1	53 sq/ft	<b>Single Cell</b> – The facility shall limit individual occupancy holding to 12 hours.
Admission and Discharge Holding Cell BK 120 C-3	1	1	53 sq/ft	<b>Single Cell</b> – The facility shall limit individual occupancy holding to 12 hours.
Admission and Discharge Holding Cell BK 124	1	1	396 sq/ft	<b>Larger holding cell</b> - Multiple occupancy holding shall be limited to four (4) hours. <b>Total 24 inmates</b>
Admission and Discharge Holding Cell BK 128	1 Floor drain	0	48 sq/ft	<b>Dry Cell with center drain – Single Occupancy Cell</b> – The facility shall limit individual occupancy holding to 12 hours. <b>NOTE: May only be used if authorized by the Tour Commander</b>
Admission and Discharge Holding Cell BK 129	1	1	48 sq/ft	<b>Single Cell</b> – The facility shall limit individual occupancy holding to 12 hours.
Admission and Discharge Holding Cell BK 111	1		193 sq/ft	<b>Multiple Occupancy</b> -Multiple occupancy holding shall be limited to four (4) hours. <b>Total 12 inmates</b>
Admission and Discharge Holding Cell BK 113	1		217 sq/ft	<b>Multiple Occupancy</b> - Multiple occupancy holding shall be limited to four (4) hours. <b>Total 14 inmates</b>
Admission and Discharge Holding Cell BK 114	1		115 sq/ft	<b>Multiple Occupancy</b> - Multiple occupancy holding shall be limited to four (4) hours. <b>Total 7 inmates</b>
Admission and Discharge Holding Cell BK 130	1		288 sq/ft	<b>Multiple Occupancy</b> - Multiple occupancy holding shall be limited to four (4) hours. <b>Total 19 inmates</b>

**This housing may be used only for the type of housing, or for the durations shown, a listed in the right hand column. Any other use is prohibited. This housing is non-standard and will not be added to the MFC.**

Name of Holding Area/Section	Number of Toilets	Number of Sinks	Total Size of Unit (Sq. Ft. of Floor Space)	Description of use (Limit as to use, time frame, etc.)
Admission and Discharge Holding Cell BK 131	1		300 sq/ft	<b>Multiple Occupancy-</b> Multiple occupancy holding shall be limited to four (4) hours. <b>Total 20 inmates</b>
Admission and Discharge Holding Cell BK 136	1		88 sq/ft	<b>Multiple Occupancy-</b> Multiple occupancy holding shall be limited to four (4) hours. <b>Total 5 inmates</b>
Admission and Discharge Holding Cell BK 137	1		89 sq/ft	<b>Multiple Occupancy-</b> Multiple occupancy holding shall be limited to four (4) hours. <b>Total 5 inmates</b>
Admission and Discharge Holding Cell BK 140	1		117 sq/ft	<b>Multiple Occupancy-</b> Multiple occupancy holding shall be limited to four (4) hours. <b>Total 7 inmates</b>
<b>Open waiting room</b>			921 sq/ft	<b>Total of 61 inmates</b>
<p><b>This housing may be used only for the type of housing, or for the durations shown, as listed in the right hand column. Any other use is prohibited. This housing is non-standard and will not be added to the MFC.</b></p>				

HOUSING TYPE	TOTALS
Subtotal Individual Housing Units Used for General Housing:	264
Subtotal Individual Housing Units Used for Special Housing:	0
Subtotal Multiple Housing Units Used for General Housing:	400
Subtotal Multiple Housing Units Used for Special Housing:	54
<b>MAXIMUM FACILITY CAPACITY:</b>	718

Other identified housing areas not on Max. Facility Capacity      Yes ( ) No ( )

The above-noted capacity is based upon the following:

1. The number of properly equipped individual occupancy housing units, including the number of properly equipped admissions, medical and mental health and any other special housing units;
2. The number of properly equipped multiple occupancy housing units, including the number of properly equipped admissions, medical and mental health and any other special housing units; and
3. The facility ability to provide required programs and services and to comply with other rules and regulations of 9 NYCRR Chapter IV which are related to facility capacity.

\_\_\_\_\_ Adjustments have not been made based on the facility's ability to provide required programs and services and to comply with other rules and regulations of 9 NYCRR Chapter IV which are related to facility capacity.

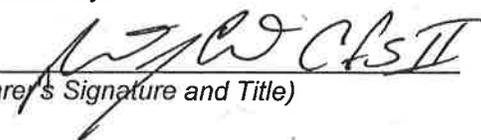
\_\_\_\_\_ Adjustments have been made based on the facility's ability to provide required programs and services and to comply with other rules and regulations of 9 NYCRR Chapter IV which are related to facility capacity. (Explain below.)

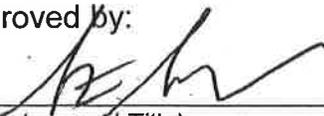
**COMMENTS:**

To the best of my knowledge all information contained in this formulation is correct.

Submitted by:

Approved by:

  
 \_\_\_\_\_  
 (Preparer's Signature and Title)

  
 \_\_\_\_\_  
 (Signature and Title)

\_\_\_\_\_ 2/28/13  
 (Date)

\_\_\_\_\_ 2/28/13  
 (Date)

**NEW YORK STATE  
COMMISSION OF CORRECTION**



**MAXIMUM FACILITY CAPACITY  
For**

**Yaphank Facility  
in  
New York**

**Thomas Beilein**  
*Chairman*

**Phyllis Harrison-Ross**  
*Commissioner*

**NOTE: ONLY INDIVIDUAL HOUSING UNITS AND MULTIPLE OCCUPANCY HOUSING UNITS WHICH MEET THE FOLLOWING REQUIREMENTS PURSUANT TO 9NYCRR PART 7040 ARE TO BE INCLUDED IN THIS CAPACITY FORMULATION.**

**INDIVIDUAL OCCUPANCY HOUSING UNITS:**

1. Each such unit shall only house 1 inmate and contain at least 60 square feet of floor space.
2. Each such unit shall contain:  
1 bed and mattress;  
1 functioning toilet; and  
1 functioning sink.
3. At least 1 functioning shower shall be available for each tier/section of such units.

**EXCEPTIONS:**

1. A unit may contain less than 60 square feet of floor space if such unit was originally constructed for single occupancy or rated for single occupancy by the Commission of Correction prior to the effective date Part 7040, September 13, 1989.
2. Each such unit used to house inmates apart from general population for the purpose of medical observation or treatment shall have a minimum of 80 square feet of floor space.
3. Required equipment (bed, mattress, toilet, sink) may be modified or excluded for units used for short term medical/mental health observation of inmates when the presence of such equipment may pose a threat to such inmates or to the safety or security of the facility.

**MULTIPLE OCCUPANCY HOUSING UNITS:**

1. Each such unit shall provide a minimum of 50 square feet of floor space per inmate in the sleeping area.
2. Each such unit shall house no more than 60 inmates.
3. Each such unit shall have a bed and mattress for each inmate.
4. Each such unit shall have at least:  
1 functioning toilet for every 12 inmates;  
1 functioning shower for every 15 inmates; and  
1 functioning sink for every 12 inmates.
5. Each such unit shall provide a minimum of 25 square feet of dayroom space immediately adjacent and accessible to the sleeping area.

I. A. INDIVIDUAL OCCUPANCY HOUSING UNITS USED FOR GENERAL HOUSING

Name of Housing Area/Section	Number of Individual Housing Units	Total Size of Unit (Sq. Ft. of Floor Space)	# of Shower Available per Section	Proposed Inmate Capacity
<b>HOUSING UNIT A</b>	<b>60</b>	<b>7621sq/ft Day Space</b>	<b>8</b>	<b>60</b>
<b>Sub day room A1</b>	<b>16</b>	<b>1238 sq/ft Day space</b>		<b>16</b>
Cell 16	1	66sq/ft		1
Cell 15	1	66sq/ft		1
Cell 14	1	66sq/ft		1
Cell 16	1	66sq/ft		1
Cell 12	1	66sq/ft		1
Cell 11	1	66sq/ft		1
Cell 10	1	66sq/ft		1
Cell 9	1	66sq/ft		1
Cell 8	1	66sq/ft		1
Cell 7	1	66sq/ft		1
Cell 6	1	66sq/ft		1
Cell 5	1	66sq/ft		1
Cell 4	1	66sq/ft		1
Cell 3	1	66sq/ft		1
Cell 2	1	66sq/ft		1
Cell 1	1	66sq/ft		1
<b>Sub day room A2</b>	<b>14</b>	<b>1156 sq/ft Day space</b>		<b>14</b>
Cell 30	1	66sq/ft		1
Cell 29	1	66sq/ft		1
Cell 28	1	66sq/ft		1
Cell 27	1	66sq/ft		1
Cell 26	1	88sq/ft		1
Cell 25	1	88sq/ft		1
Cell 24	1	88sq/ft		1
Cell 23	1	88sq/ft		1
Cell 22	1	66sq/ft		1
Cell 21	1	66sq/ft		1
Cell 20	1	66sq/ft		1
Cell 19	1	66sq/ft		1
Cell 18	1	66sq/ft		1
Cell 17	1	66sq/ft		1
Mezzanine A1	16	Same as above no sub day room (mirror Image)		16
Mezzanine A2	14	Same as above no sub day room (mirror Image)		14

**INDIVIDUAL OCCUPANCY HOUSING UNITS USED FOR GENERAL HOUSING**

Name of Housing Area/Section	Number of Individual Housing Units	Total Size of Unit (Sq. Ft. of Floor Space)	# of Shower Available per Section	Proposed Inmate Capacity
<b>HOUSING UNIT B</b>	<b>60</b>	<b>7621 sq/ft Day Space</b>	<b>8</b>	<b>60</b>
<b>Sub dayroom B1</b>	<b>16</b>	<b>1238 sq/ft Day space</b>		<b>16</b>
Cell 16	1	66sq/ft		1
Cell 15	1	66sq/ft		1
Cell 14	1	66sq/ft		1
Cell 13	1	66sq/ft		1
Cell 12	1	66sq/ft		1
Cell 11	1	66sq/ft		1
Cell 10	1	66sq/ft		1
Cell 9	1	66sq/ft		1
Cell 8	1	66sq/ft		1
Cell 7	1	66sq/ft		1
Cell 6	1	66sq/ft		1
Cell 5	1	66sq/ft		1
Cell 4	1	66sq/ft		1
Cell 3	1	66sq/ft		1
Cell 2	1	66sq/ft		1
Cell 1	1	66sq/ft		1
<b>Sub dayroom B2</b>	<b>14</b>	<b>1156</b>		<b>14</b>
Cell 30	1	66sq/ft		1
Cell 29	1	66sq/ft		1
Cell 28	1	66sq/ft		1
Cell 27	1	66sq/ft		1
Cell 26	1	88sq/ft		1
Cell 25	1	88sq/ft		1
Cell 24	1	88sq/ft		1
Cell 23	1	88sq/ft		1
Cell 22	1	66sq/ft		1
Cell 21	1	66sq/ft		1
Cell 20	1	66sq/ft		1
Cell 19	1	66sq/ft		1
Cell 18	1	66sq/ft		1
Cell 17	1	66sq/ft		1
Mezzanine B1	16	Same as above no sub day room (mirror Image)		16
Mezzanine B2	14	Same as above no sub day room (mirror Image)		14

I. A. INDIVIDUAL OCCUPANCY HOUSING UNITS USED FOR GENERAL HOUSING

Name of Housing Area/Section	Number of Individual Housing Units	Total Size of Unit (Sq. Ft. of Floor Space)	# of Shower Available per Section	Proposed Inmate Capacity
<b>HOUSING UNIT C</b>	<b>60</b>	<b>7621sq/ft Day Space</b>	<b>8</b>	<b>60</b>
<b>Sub dayroom C1</b>	<b>16</b>	<b>1238 sq/ft Day space</b>		<b>16</b>
Cell 16	1	66sq/ft		1
Cell 15	1	66sq/ft		1
Cell 14	1	66sq/ft		1
Cell 13	1	66sq/ft		1
Cell 12	1	66sq/ft		1
Cell 11	1	66sq/ft		1
Cell 10	1	66sq/ft		1
Cell 9	1	66sq/ft		1
Cell 8	1	66sq/ft		1
Cell 7	1	66sq/ft		1
Cell 6	1	66sq/ft		1
Cell 5	1	66sq/ft		1
Cell 4	1	66sq/ft		1
Cell 3	1	66sq/ft		1
Cell 2	1	66sq/ft		1
Cell 1	1	66sq/ft		1
<b>Sub dayroom C2</b>	<b>14</b>	<b>1156 sq/ft Day space</b>		<b>14</b>
Cell 30	1	66sq/ft		1
Cell 29	1	66sq/ft		1
Cell 28	1	66sq/ft		1
Cell 27	1	66sq/ft		1
Cell 26	1	88sq/ft		1
Cell 25	1	88sq/ft		1
Cell 24	1	88sq/ft		1
Cell 23	1	88sq/ft		1
Cell 22	1	66sq/ft		1
Cell 21	1	66sq/ft		1
Cell 20	1	66sq/ft		1
Cell 19	1	66sq/ft		1
Cell 18	1	66sq/ft		1
Cell 17	1	66sq/ft		1
Cell				
Mezzanine C1	16	Same as above no sub day room (mirror Image)		16
Mezzanine C2	14	Same as above no sub day room (mirror Image)		14

I. A. INDIVIDUAL OCCUPANCY HOUSING UNITS USED FOR GENERAL HOUSING

Name of Housing Area/Section	Number of Individual Housing Units	Total Size of Unit (Sq. Ft. of Floor Space)	# of Shower Available per Section	Proposed Inmate Capacity
<b>HOUSING UNIT D</b>	<b>60</b>	<b>7621sq/ft Day Space</b>	<b>8</b>	<b>60</b>
<b>Sub dayroom D1</b>	<b>16</b>	<b>1238 sq/ft Day space</b>		<b>16</b>
Cell 16	1	66sq/ft		1
Cell 15	1	66sq/ft		1
Cell 14	1	66sq/ft		1
Cell 13	1	66sq/ft		1
Cell 12	1	66sq/ft		1
Cell 11	1	66sq/ft		1
Cell 10	1	66sq/ft		1
Cell 9	1	66sq/ft		1
Cell 8	1	66sq/ft		1
Cell 7	1	66sq/ft		1
Cell 6	1	66sq/ft		1
Cell 5	1	66sq/ft		1
Cell 4	1	66sq/ft		1
Cell 3	1	66sq/ft		1
Cell 2	1	66sq/ft		1
Cell 1	1	66sq/ft		1
<b>Sub dayroom C2</b>	<b>14</b>	<b>1156 sq/ft Day space</b>		<b>14</b>
Cell 30	1	66sq/ft		1
Cell 29	1	66sq/ft		1
Cell 28	1	66sq/ft		1
Cell 27	1	66sq/ft		1
Cell 26	1	88sq/ft		1
Cell 25	1	88sq/ft		1
Cell 24	1	88sq/ft		1
Cell 23	1	88sq/ft		1
Cell 22	1	66sq/ft		1
Cell 21	1	66sq/ft		1
Cell 20	1	66sq/ft		1
Cell 19	1	66sq/ft		1
Cell 18	1	66sq/ft		1
Cell 17	1	66sq/ft		1
<b>Mezzanine D1</b>	<b>16</b>	<b>Same as above no sub day room (mirror Image)</b>		<b>16</b>
<b>Mezzanine D2</b>	<b>14</b>	<b>Same as above no sub day room (mirror Image)</b>		<b>14</b>

I. A. INDIVIDUAL OCCUPANCY HOUSING UNITS USED FOR GENERAL HOUSING

Name of Housing Area/Section	Number of Individual Housing Units	Total Size of Unit (Sq. Ft. of Floor Space)	# of Shower Available per Section	Proposed Inmate Capacity
<b>HOUSING UNIT E</b>	<b>60</b>	<b>7621sq/ft Day Space</b>	<b>8</b>	<b>60</b>
<b>Sub dayroom E1</b>	<b>16</b>	<b>1238 sq/ft Day space</b>		<b>16</b>
Cell 16	1	66sq/ft		1
Cell 15	1	66sq/ft		1
Cell 14	1	66sq/ft		1
Cell 13	1	66sq/ft		1
Cell 12	1	66sq/ft		1
Cell 11	1	66sq/ft		1
Cell 10	1	66sq/ft		1
Cell 9	1	66sq/ft		1
Cell 8	1	66sq/ft		1
Cell 7	1	66sq/ft		1
Cell 6	1	66sq/ft		1
Cell 5	1	66sq/ft		1
Cell 4	1	66sq/ft		1
Cell 3	1	66sq/ft		1
Cell 2	1	66sq/ft		1
Cell 1	1	66sq/ft		1
<b>Sub dayroom E2</b>	<b>14</b>	<b>1156 sq/ft Day space</b>		<b>14</b>
Cell 30	1	66sq/ft		1
Cell 29	1	66sq/ft		1
Cell 28	1	66sq/ft		1
Cell 27	1	66sq/ft		1
Cell 26	1	88sq/ft		1
Cell 25	1	88sq/ft		1
Cell 24	1	88sq/ft		1
Cell 23	1	88sq/ft		1
Cell 22	1	66sq/ft		1
Cell 21	1	66sq/ft		1
Cell 20	1	66sq/ft		1
Cell 19	1	66sq/ft		1
Cell 18	1	66sq/ft		1
Cell 17	1	66sq/ft		1
<b>Mezzanine E1</b>	<b>16</b>	<b>Same as above no sub day room (mirror Image)</b>		<b>16</b>
<b>Mezzanine E2</b>	<b>14</b>	<b>Same as above no sub day room (mirror Image)</b>		<b>14</b>

I. A. INDIVIDUAL OCCUPANCY HOUSING UNITS USED FOR GENERAL HOUSING

Name of Housing Area/Section	Number of Individual Housing Units	Total Size of Unit (Sq. Ft. of Floor Space)	# of Shower Available per Section	Proposed Inmate Capacity
<b>HOUSING UNIT F</b>	<b>60</b>	<b>7621sq/ft Day Space</b>	<b>8</b>	<b>60</b>
<b>Sub dayroom F1</b>	<b>16</b>	<b>1238 sq/ft Day space</b>		<b>16</b>
Cell 16	1	66sq/ft		1
Cell 15	1	66sq/ft		1
Cell 14	1	66sq/ft		1
Cell 13	1	66sq/ft		1
Cell 12	1	66sq/ft		1
Cell 11	1	66sq/ft		1
Cell 10	1	66sq/ft		1
Cell 9	1	66sq/ft		1
Cell 8	1	66sq/ft		1
Cell 7	1	66sq/ft		1
Cell 6	1	66sq/ft		1
Cell 5	1	66sq/ft		1
Cell 4	1	66sq/ft		1
Cell 3	1	66sq/ft		1
Cell 2	1	66sq/ft		1
Cell 1	1	66sq/ft		1
<b>Sub dayroom F2</b>	<b>14</b>	<b>1156 sq/ft Day space</b>		<b>14</b>
Cell 30	1	66sq/ft		1
Cell 29	1	66sq/ft		1
Cell 28	1	66sq/ft		1
Cell 27	1	66sq/ft		1
Cell 26	1	88sq/ft		1
Cell 25	1	88sq/ft		1
Cell 24	1	88sq/ft		1
Cell 23	1	88sq/ft		1
Cell 22	1	66sq/ft		1
Cell 21	1	66sq/ft		1
Cell 20	1	66sq/ft		1
Cell 19	1	66sq/ft		1
Cell 18	1	66sq/ft		1
Cell 17	1	66sq/ft		1
Mezzanine F1	16	Same as above no sub day room (mirror Image)		16
Mezzanine F2	14	Same as above no sub day room (mirror Image)		14

**Individual Occupancy Housing Unit Total: 360**

I. B. INDIVIDUAL OCCUPANCY HOUSING UNITS USED FOR SPECIAL HOUSING

Name of Housing Area/Section	Purpose/ Type of Special Housing	Number of Individual Housing Units	Total Size of Unit (Sq. Ft. of Floor Space)	# of Showers Available per Section	Maximum Inmate Capacity
<b>HEALTH SERVICES HOUSING</b>					
<b>Sub dayroom A 1899 sq/ft</b>	<b>Medical</b>	<b>10</b>			
Observation 1	Medical				
Observation 2	Medical				
Observation 3	Medical				
Observation 4	Medical				
Observation 5	Medical				
Observation 6	Medical				
Observation 7	Medical				
Observation 8	Medical				
Observation 9	Medical				
Observation 10	Medical				
<b>Sub dayroom B 823 sq/ft</b>	<b>Medical</b>	<b>6</b>			
Observation 11	Medical				
Observation 12	Medical				
Observation 13	Medical				
Observation 14	Medical				
Observation 15	Medical				
Observation 16	Medical				
<b>Sub dayroom C 784 sq/ft</b>	<b>Medical</b>	<b>4</b>			
Observation 17	Medical				
Observation 18	Medical				
Observation 19	Medical				
Observation 20	Medical				

**Individual Special Housing Unit Total: 0**

NOTE: This area has retractable doors to allow for separation of Males and Females. The doors may be utilized to the best possible configuration to fit the departments needs.

II. A. MULTIPLE OCCUPANCY HOUSING UNITS USED FOR GENERAL HOUSING

Name of Housing Area/Section	Number of Toilets	Number of Sinks	# of Showers Available per Section	Total Size of Unit (Sq. Ft. of Floor Space)	Maximum Inmate Capacity
<i>YP North 1</i>	6	5	6	<i>Closed for Rehab</i>	
YP North 2	8	8	5		60
YP North 3	8	8	5		60
<i>YP South 1</i>	6	5	5	<i>Closed for Rehab</i>	
YP South 2	8	8	5		60
YP South 3	8	8	6		60
YP South 4 - A					20
YP South 4 Sub dayroom - B					20
YP South 4 - C					20
<i>YP F 1</i>	4	5	4	<i>Closed for Rehab</i>	
<i>YP F 2</i>	4	5	4	<i>Closed for rehab</i>	
YP Stressed Membrane West	5	6*	4	4624 Sq Ft	60
YP Stressed Membrane East	5	6*	4	4624 Sq Ft	60

**Multiple General Housing Unit Total: 420**

- This indicates a gang sink with multiple faucets

II. B. MULTIPLE OCCUPANCY HOUSING UNITS USED FOR SPECIAL HOUSING

Name of Housing Area/Section	Number of Toilets	Number of Sinks	Number of Showers Available per Section	Total Size of Unit (Sq. Ft. of Floor Space)	Maximum Inmate Capacity
Nursery - Yaphank					
DWI Program Male					40
DWI Program Female					14

**Multiple Special Housing Unit Total: 54**

### III. A. NON-STANDARD HOUSING UNITS USED FOR SPECIAL HOUSING

Name of Holding Area/Section	Number of Toilets	Number of Sinks	Total Size of Unit (Sq. Ft. of Floor Space)	Description of use (Limit as to use, time frame, etc.)
Admission and Discharge Holding Cell BK123-C3	1	1	53 sq/ft	<b>Single Cell</b> – The facility shall limit individual occupancy holding to 12 hours.
Admission and Discharge Holding Cell BK 122-C3	1	1	53 sq/ft	<b>Single Cell</b> – The facility shall limit individual occupancy holding to 12 hours.
Admission and Discharge Holding Cell BK 120 C-3	1	1	53 sq/ft	<b>Single Cell</b> – The facility shall limit individual occupancy holding to 12 hours.
Admission and Discharge Holding Cell BK 124	1	1	396 sq/ft	<b>Larger holding cell</b> - Multiple occupancy holding shall be limited to four (4) hours. <b>Total 24 inmates</b>
Admission and Discharge Holding Cell BK 128	1 Floor drain	0	48 sq/ft	<b>Dry Cell with center drain – Single Occupancy Cell</b> – The facility shall limit individual occupancy holding to 12 hours. <b>NOTE: May only be used if authorized by the Tour Commander</b>
Admission and Discharge Holding Cell BK 129	1	1	48 sq/ft	<b>Single Cell</b> – The facility shall limit individual occupancy holding to 12 hours.
Admission and Discharge Holding Cell BK 111	1		193 sq/ft	<b>Multiple Occupancy</b> -Multiple occupancy holding shall be limited to four (4) hours. <b>Total 12 inmates</b>
Admission and Discharge Holding Cell BK 113	1		217 sq/ft	<b>Multiple Occupancy</b> - Multiple occupancy holding shall be limited to four (4) hours. <b>Total 14 inmates</b>
Admission and Discharge Holding Cell BK 114	1		115 sq/ft	<b>Multiple Occupancy</b> - Multiple occupancy holding shall be limited to four (4) hours. <b>Total 7 inmates</b>
Admission and Discharge Holding Cell BK 130	1		288 sq/ft	<b>Multiple Occupancy</b> - Multiple occupancy holding shall be limited to four (4) hours. <b>Total 19 inmates</b>

**This housing may be used only for the type of housing, or for the durations shown, as listed in the right hand column. Any other use is prohibited. This housing is non-standard and will not be added to the MFC.**

Name of Holding Area/Section	Number of Toilets	Number of Sinks	Total Size of Unit (Sq. Ft. of Floor Space)	Description of use (Limit as to use, time frame, etc.)
Admission and Discharge Holding Cell BK 131	1		300 sq/ft	<b>Multiple Occupancy-</b> Multiple occupancy holding shall be limited to four (4) hours. <b>Total 20 inmates</b>
Admission and Discharge Holding Cell BK 136	1		88 sq/ft	<b>Multiple Occupancy-</b> Multiple occupancy holding shall be limited to four (4) hours. <b>Total 5 inmates</b>
Admission and Discharge Holding Cell BK 137	1		89 sq/ft	<b>Multiple Occupancy-</b> Multiple occupancy holding shall be limited to four (4) hours. <b>Total 5 inmates</b>
Admission and Discharge Holding Cell BK 140	1		117 sq/ft	<b>Multiple Occupancy-</b> Multiple occupancy holding shall be limited to four (4) hours. <b>Total 7 inmates</b>
<b>Open waiting room</b>			921 sq/ft	<b>Total of 61 inmates</b>
<p><b>This housing may be used only for the type of housing, or for the durations shown, as listed in the right hand column. Any other use is prohibited. This housing is non-standard and will not be added to the MFC.</b></p>				

HOUSING TYPE	TOTALS
Subtotal Individual Housing Units Used for General Housing:	360
Subtotal Individual Housing Units Used for Special Housing:	0
Subtotal Multiple Housing Units Used for General Housing:	420
Subtotal Multiple Housing Units Used for Special Housing:	54
<b>MAXIMUM FACILITY CAPACITY:</b>	834

Other identified housing areas not on Max. Facility Capacity      Yes ( ) No ( )

The above-noted capacity is based upon the following:

1. The number of properly equipped individual occupancy housing units, including the number of properly equipped admissions, medical and mental health and any other special housing units;
2. The number of properly equipped multiple occupancy housing units, including the number of properly equipped admissions, medical and mental health and any other special housing units; and
3. The facility ability to provide required programs and services and to comply with other rules and regulations of 9 NYCRR Chapter IV which are related to facility capacity.

\_\_\_\_\_ Adjustments have not been made based on the facility's ability to provide required programs and services and to comply with other rules and regulations of 9 NYCRR Chapter IV which are related to facility capacity.

\_\_\_\_\_ Adjustments have been made based on the facility's ability to provide required programs and services and to comply with other rules and regulations of 9 NYCRR Chapter IV which are related to facility capacity. (Explain below.)

**COMMENTS:**

To the best of my knowledge all information contained in this formulation is correct.

Submitted by:

NS/CD CFs II  
(Preparer's Signature and Title)

2/28/13  
(Date)

Approved by:

[Signature]  
(Signature and Title)

2/28/13  
(Date)

Amendment to Facility MFC

Facility: Sullivan CF

Date of MFC Review: February 26, 2013

Name of Person Who Conducted the MFC Review: William Benjamin, CFSIII

Date of Last MFC report: N/A

Update on Capital Construction Project: N/A

Summary of amendment(s) to current MFC: An updated MFC reflecting the removal of 23 double bunks by DOCCS and return to original design capacity (589 to 566).

Recommendation/Comments: MFC verified by staff and recommend this MFC be approved as submitted by DOCCS

Approve:

Deny:

No Recommendation:

(Check Once)

Amended Capacity: 566

Prepared by: DOCCS Date: 2-21-13  
Reviewed by Regional Supervisor: [Signature] Date: 2-26-13  
Reviewed by Facilities Planning: [Signature] Date: 2-26-13  
Reviewed by Deputy Director of Operations: [Signature] Date: 2/27/13



STATE OF NEW YORK

**DEPARTMENT OF CORRECTIONS  
AND COMMUNITY SUPERVISION**

THE HARRIMAN STATE CAMPUS – BUILDING 2

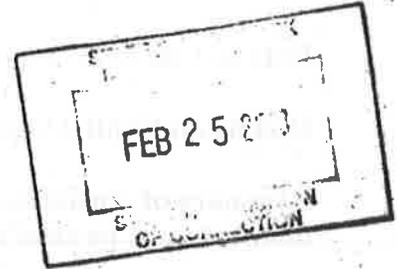
1220 WASHINGTON AVENUE

ALBANY, N.Y. 12226-2050

**ANDREW M. CUOMO**  
GOVERNOR

**BRIAN FISCHER**  
COMMISSIONER

February 21, 2013



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

Dear Chairman Beilein:

As you are aware, pursuant to the provisions of 9 NYCRR Section 7621.6 (k), the Department, since the mid-nineties, has been operating a number of "double occupancy units" or double-cells that were originally constructed for single-cell use. Due to recent changes in the inmate population demographics and the lessened demand for maximum security capacity, the Department has recently ceased operating all of the double-cells that were at Green Haven and Sing Sing Correctional Facilities. Additionally, at this time, the Department has completely dismantled all of its double-cells at Sullivan, Eastern and Shawangunk Correctional Facilities. This of course reduces the Maximum Facility Capacity (MFC) at each facility.

Sullivan Correctional Facility removed twenty-three (23) top beds, reducing their MFC from 589 to 566. Eastern Correctional Facility removed forty-nine (49) top beds, reducing their MFC from 1,034 to 985. Shawangunk Correctional Facility removed twenty-six (26) top beds, reducing their capacity from 558 to 532. We are including three completed NYS Commission of Correction Maximum Facility Capacity packets and Facility Configuration worksheets for your review and final determination. The beds are identified on the attached worksheets.

Thank you for your consideration of this request.

Sincerely,

Brian Fischer  
Commissioner

Attachments

cc: Theresa A. Knapp-David, Associate Commissioner

**NEW YORK STATE  
COMMISSION OF CORRECTION**



**November 2012**

**MAXIMUM FACILITY CAPACITY**

**for  
Sullivan Correctional Facility  
in  
Fallsburg, New York**

**Thomas A. Beilein**  
*Chairman*

**Phyllis Harrison-Ross M.D.**  
*Commissioner*

Sullivan Correctional Facility

**NOTE: ONLY INDIVIDUAL HOUSING UNITS, DOUBLE OCCUPANCY AND MULTIPLE OCCUPANCY HOUSING UNITS WHICH MEET THE FOLLOWING REQUIREMENTS PURSUANT TO 9 NYCRR PART 7621 ARE TO BE INCLUDED IN THIS CAPACITY FORMULATION.**

**INDIVIDUAL OCCUPANCY HOUSING UNITS:**

1. Each such unit shall only house 1 inmate and contain at least 60 square feet of floor space.
2. Each such unit shall contain:  
1 bed and mattress;  
1 functioning toilet; and  
1 functioning sink.
3. At least 1 functioning shower shall be available for each tier/section of such units.

**EXCEPTIONS:**

1. A unit may contain less than 60 square feet of floor space if such unit was originally constructed for single occupancy or rated for single occupancy by the Commission of Correction prior to the effective date Part 7621 August 3, 1988.
2. Each such unit used to house inmates apart from general population for the purpose of medical observation or treatment shall have a minimum of 80 square feet of floor space.
3. Required equipment (bed, mattress, toilet, sink) may be modified or excluded for units used for short term medical/mental health observation of inmates when the presence of such equipment may pose a threat to such inmates or to the safety or security of the facility.

**DOUBLE OCCUPANCY HOUSING UNITS:**

1. Each such unit shall only house 2 inmates and contain at least 23 square feet of floor space and be equipped to accommodate two inmates.
2. Each such unit shall contain:  
1 bed and mattress for each inmate;  
1 safe storage area for each inmate  
1 functioning toilet; and  
1 functioning sink.
3. At least 1 functioning shower shall be available for each tier/section of such units.

**MULTIPLE OCCUPANCY HOUSING UNITS:**

1. Each such unit shall provide a minimum of 50 square feet of floor space per inmate in the sleeping area.
2. Each such unit shall house no more than 60 inmates.
3. Each such unit shall have a bed and mattress for each inmate.
4. Each such unit shall have at least the following (unless it was constructed prior to the effective date Part 7621 August 3, 1988).  
1 functioning toilet for every 12 inmates;  
1 functioning shower for every 15 inmates; and  
1 functioning sink for every 12 inmates.

Sullivan Correctional Facility

I. A. INDIVIDUAL OCCUPANCY HOUSING UNITS USED FOR GENERAL HOUSING

Name of Housing Area/Section	Number of Individual Housing Units	Total Size of Unit (Sq. Ft. of Floor Space)	# of Shower Available per Section	Proposed Inmate Capacity
Building No. 3				
A Block 1 <sup>st</sup> Fl. South	32	70 Sq. Ft. per cell	4	32
A Block 1 <sup>st</sup> Fl. North	32	70 Sq. Ft. per cell	4	32
A Block 2 <sup>nd</sup> Fl. South	32	70 Sq. Ft. per cell	4	32
A Block 2 <sup>nd</sup> Fl. North	32	70 Sq. Ft. per cell	4	32
B Block 1 <sup>st</sup> Fl. South	32	70 Sq. Ft. per cell	4	32
B Block 1 <sup>st</sup> Fl. North	32	70 Sq. Ft. per cell	4	32
B Block 2 <sup>nd</sup> Fl. South	32	70 Sq. Ft. per cell	4	32
B Block 2 <sup>nd</sup> Fl. North	32	70 Sq. Ft. per cell	4	32
D Block 1 <sup>st</sup> Fl. South	32	70 Sq. Ft. per cell	4	32
D Block 1 <sup>st</sup> Fl. North	32	70 Sq. Ft. per cell	4	32
D Block 2 <sup>nd</sup> Fl. South	32	70 Sq. Ft. per cell	4	32
D Block 2 <sup>nd</sup> Fl. North	32	70 Sq. Ft. per cell	4	32
E Block 1 <sup>st</sup> Fl. South	32	70 Sq. Ft. per cell	4	32
E Block 1 <sup>st</sup> Fl. North	32	70 Sq. Ft. per cell	4	32
E Block 2 <sup>nd</sup> Fl. South	32	70 Sq. Ft. per cell	4	32
E Block 2 <sup>nd</sup> Fl. North	32	70 Sq. Ft. per cell	4	32
<b>Total</b>	<b>512</b>			<b>512</b>

**Individual Occupancy Housing Unit Total: 512**

I. B. DOUBLE OCCUPANCY HOUSING UNITS USED FOR GENERAL HOUSING

Name of Housing	Number of Double Housing Units	Total Size of Unit (Sq. Ft. of Floor Space)	# of Shower Available per Section	Proposed Inmate Capacity
N/A				

**Double Occupancy Housing Unit Total: N/A**

Sullivan Correctional Facility

I. C. MULTIPLE OCCUPANCY HOUSING UNITS USED FOR GENERAL HOUSING  
(NON-PROTOTYPICAL DORMS)

Name of Housing Area/Section	Number of Toilets	Number of Sinks	Number of Showers	Total Size of Unit (Sq. Ft. of Floor Space)	Proposed Inmate Capacity
N/A					

Multiple Occupancy Housing Unit Total: N/A

II. A. INDIVIDUAL OCCUPANCY HOUSING UNITS USED FOR SPECIAL HOUSING

Name of Housing Area/Section	Purpose/Type of Special Housing	Number of Individual Housing Units	Total Size of Unit (Sq. Ft. of Floor Space)	# of Shower Available per Section	Proposed Inmate Capacity
Building 4					
RE-DT	8		110 Sq. Ft. per cell	1	8
SH-UU	16		110 Sq. Ft. per cell	1	16
<b>Total</b>	<b>24</b>				<b>24</b>

Individual Occupancy Special Housing Unit Total: 24

II. B. MULTIPLE OCCUPANCY HOUSING UNITS USED FOR SPECIAL HOUSING

Name of Housing Area/Section	Number of Toilets	Number of Sinks	Number of Showers	Total Size of Unit (Sq. Ft. of Floor Space)	Proposed Inmate Capacity
N/A					

Multiple Occupancy Special Housing Unit Total: N/A

Sullivan Correctional Facility

II. C. INDIVIDUAL OCCUPANCY HOUSING UNITS USED FOR INFIRMARY HOUSING

Name of Housing Area/Section	Purpose/Type of Special Housing	Number of Individual Housing Units	Total Size of Unit (Sq. Ft. of Floor Space)	# of Shower Available per Section	Proposed Inmate Capacity
Building 4					
MH-OB			85 Sq. Ft. per cell	1	8
HS-IO			180 Sq. Ft. per room	6	6
<b>Total</b>					<b>14</b>

**Individual Occupancy Infirmary Housing Unit Total: 14**

II. D. MULTIPLE OCCUPANCY HOUSING UNITS USED FOR INFIRMARY HOUSING

Name of Housing Area/Section	Number of Toilets	Number of Sinks	Number of Showers	Total Size of Unit (Sq. Ft. of Floor Space)	Proposed Inmate Capacity
Building 4					
MH-WD	2	2	2	962 Sq. Ft. total	4
Building 66					
HS-WD	3	3	3	533 Sq. Ft. per room	12
<b>TOTAL</b>					<b>16</b>

**Multiple Occupancy Infirmary Housing Unit Total: 16**

Sullivan Correctional Facility

HOUSING TYPE	TOTALS
Subtotal Individual Housing Units Used for General Housing:	512
Subtotal Double Occupancy Housing Units Used for General Housing:	0
Subtotal Multiple Housing Units Used for General Housing:	0
Subtotal Individual Housing Units Used for Special Housing:	24
Subtotal Multiple Housing Units Used for Special Housing:	N/A
Subtotal Individual Housing Units Used for Infirmery Housing:	14
Subtotal Multiple Housing Units Used for Infirmery Housing:	16
<b>MAXIMUM FACILITY CAPACITY:</b>	<b>566</b>

The above-noted capacity is based upon the following:

1. The number of properly equipped individual and double occupancy housing units, including the number of properly equipped medical and mental health and any other special housing units;
2. The number of properly equipped multiple occupancy housing units, including the number of properly equipped medical and mental health and any other special housing units; and
3. The facility ability to provide required programs and services and to comply with other rules and regulations of 9 NYCRR Chapter IV which are related to facility capacity.

X Adjustments have not been made based on the facility's ability to provide required programs and services and to comply with other rules and regulations of 9 NYCRR Chapter IV which are related to facility capacity.

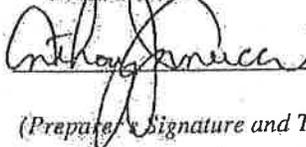
Adjustments have been made based on the facility's ability to provide required programs and services and to comply with other rules and regulations of 9 NYCRR Chapter IV which are related to facility capacity. (Explain below.)

**COMMENTS:**

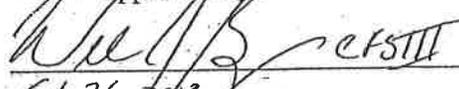
**This Maximum Facility Capacity has been prepared for the purpose of eliminating double cells.**

To the best of my knowledge all information contained in this formulation is correct.

Submitted by:

  
 (Prepare Signature and Title, and Date)

Approved by:

  
 Feb 26, 2013  
 (Signature/Title and Date)

## FACILITY CONFIGURATION

SULLIVAN CORRECTIONAL FACILITY					
<b>CAPACITY</b>					
GENERAL CONFINEMENT		512			
INFIRMARY		18			
SHU		24			
OMH SATELITE		12			
<b>TOTAL</b>		<b>566</b>			
BUILDING	LOCATOR	BED	CONFIGURATION		
NUMBER	DESIGNATION	CAPACITY	ROOMS	CELLS	TEMP TOPS REMOVED
<b>3</b>					
<b>A BLOCK</b>					
1st Flr Sth	0A-S1	32		32-S	2T, 3T, 4T, 5T, 6T
2nd Flr Sth	0A-S2	32		32-S	
1st Flr Nth	0A-N1	32		32-S	35T, 36T, 37T, 38T, 39T
2nd Flr Nth	0A-N2	32		32-S	
		<b>128</b>			
<b>B BLOCK</b>					
1st Flr Sth	BH-S1	32		32-S	<u>BHU</u>
2nd Flr Sth	BH-S2	32		32-S	<u>BHU</u>
1st Flr Nth	0B-N1	32		32-S	35T, 36T, 37T, 38T, 39T
2nd Flr Nth	0B-N2	32		32-S	
		<b>128</b>			
<b>D BLOCK</b>					
1st Flr Sth	0D-S1	32		32-S	2T, 3T, 4T, 5T, 6T
2nd Flr Sth	0D-S2	32		32-S	
1st Flr Nth	0D-N1	32		32-S	35T, 36T, 37T
2nd Flr Nth	0D-N2	32		32-S	
		<b>128</b>			
<b>E BLOCK</b>					
1st Flr Sth	0E-S1	32		32-S	<u>SNU</u>
2nd Flr Sth	0E-S2	32		32-S	<u>SNU</u>
1st Flr Nth	0E-N1	32		32-S	<u>ICP</u>
2nd Flr Nth	0E-N2	32		32-S	<u>ICP</u>
		<b>128</b>			
<b>4</b>					
2nd Flr	MH-OB	8		8-S	
	MH-WD	4	1-4		
3rd Flr	RE-DT	8		8-S	
	SH-UU	16		16-S	
		<b>36</b>			
66	HS-IO	6		6-S	
	HS-WD	12	3-4		
		<b>18</b>			



# Notice of Proposed Rule Making

Correction, State Commission of  
(SUBMITTING AGENCY)

- Approval has been granted by Executive Chamber to propose this rule making.
- This rule making does not require Executive Chamber approval.

**NOTE:** Typing and submission instructions are at the end of this form. Please be sure to COMPLETE ALL ITEMS. Incomplete forms will be cause for rejection of this notice.

1. A. Proposed action:			
Amendment of	section 7031.4 of	Title <sup>9</sup>	NYCRR
_____	_____	Title _____	NYCRR
_____	_____	Title _____	NYCRR
_____	_____	Title _____	NYCRR
_____	_____	Title _____	NYCRR
_____	_____	Title _____	NYCRR

- B.  This is a consensus rule making. A statement is attached setting forth the agency's determination that no person is likely to object to the rule as written [SAPA §202(1)(b)(i)].
- C.  This rule was previously proposed as a consensus rule making under I.D. No Attached is a brief description of the objection that caused/is causing the prior notice to be withdrawn [SAPA §202(1)(e)].
- D.  This rule is proposed pursuant to [SAPA §207(3)]; 5-Year Review of Existing Rules (see also item 16).

2. Statutory authority under which the rule is proposed:  
Correction Law sections 45(6) and 45(15).

3. Subject of the rule:  
Inmate access to legal reference materials.

4. Purpose of the rule:

To eliminate the requirement that law libraries be maintained within a local correctional facility.

5. Public hearings (check box and complete as applicable):

- A public hearing is not scheduled. (SKIP TO ITEM 8)
- A public hearing is required by law and is scheduled below. (Note: first hearing date must be at least 45 days after publication of this notice unless a different time is specified in statute.)
- A public hearing is not required by law, but is scheduled below.

Time:	Date:	Location:
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

6. *Interpreter services* (check only if a public hearing is scheduled):

Interpreter services will be made available to hearing impaired persons, at no charge, upon written request to the agency contact designated in this notice.

7. *Accessibility* (check appropriate box only if a public hearing is scheduled):

All public hearings have been scheduled at places reasonably accessible to persons with a mobility impairment.

Attached is a list of public hearing locations that are **not** reasonably accessible to persons with a mobility impairment. An explanation is submitted regarding diligent efforts made to provide accessible hearing sites.

8. *Terms of rule* (SELECT ONE SECTION):

A.  The full text of the rule is attached because it does not exceed 2,000 words.

B.  A summary of the rule is attached because the full text of the rule exceeds 2,000 words.

Full text is posted at the following State website: \_\_\_\_\_

Full text is not posted on a State website.

Full text is not posted on a State website; this is a consensus rule or a rule defined in SAPA § 102(2)(a)(ii).

C.  Pursuant to SAPA §202(7)(b), the agency elects to print a description of the subject, purpose and substance of the rule as defined in SAPA §102(2)(a)(ii) [Rate Making].

9. *The text of the rule and any required statements and analyses may be obtained from:*

Agency contact Brian M. Callahan, Associate Attorney

Agency Name New York State Commission of Correction

Office address Alfred E. Smith State Office Building

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

Telephone (518) 485-2346 E-mail: Brian.Callahan@scoc.ny.gov

10. *Submit data, views or arguments to* (complete only if different than previously named agency contact):

Agency contact \_\_\_\_\_

Agency name \_\_\_\_\_

Office address \_\_\_\_\_

Telephone \_\_\_\_\_ E-mail: \_\_\_\_\_

## 11. Public comment will be received until:

- 45 days after publication of this notice (MINIMUM public comment period when full text is attached because it does not exceed 2000 words or full text of rule has been posted on a State web site or the rule is a consensus rule or a rule defined under SAPA §102[2][a][ii] [Rate Making]).
- 60 days after publication of this notice (MINIMUM public comment period when full text is not attached or full text is not posted on a State web site or the rule is not a consensus rule or a rule defined under SAPA §102[2][a][ii] [Rate Making]).
- 5 days after the last scheduled public hearing required by statute (MINIMUM, with required hearing). This box may not be checked and the minimum 60-day comment period applies if full text is not attached or text is not posted on a State web site or the rule is not a consensus rule or a rule defined under SAPA §102[2][a][ii] [Rate Making]).
- Other: (specify) \_\_\_\_\_

12. A prior emergency rule making for this action was previously published in the \_\_\_\_\_ issue of the *Register*, I.D. No. \_\_\_\_\_

## 13. Expiration date (check only if applicable):

- This proposal will not expire in 365 days because it is for a "rate making" as defined in SAPA §102(2)(a)(ii).

## 14. Additional matter required by statute:

- Yes (include below material required by statute).

- No additional material required by statute.

## 15. Regulatory Agenda (See SAPA §202-d[1]):

- This rule was a Regulatory Agenda item for this agency in the following issue of the *State Register*:  
\_\_\_\_\_
- This rule was not under consideration at the time this agency submitted its Regulatory Agenda for publication in the *Register*.
- Not applicable.

## 16. Review of Existing Rules (ALL ATTACHMENTS MUST BE 2,000 WORDS OR LESS)

This rule is proposed pursuant to SAPA §207 (item 1D applies) (check applicable boxes):

Attached is a statement setting forth a reasoned justification for modification of the rule. Where appropriate, include a discussion of the degree to which changes in technology, economic conditions or other factors in the area affected by the rule necessitate changes in the rule.

Attached is an assessment of public comments received by the agency in response to its publication of a list of rules to be reviewed.

An assessment of public comments is not attached because no comments were received.

- Not applicable.

17. **Regulatory Impact Statement (RIS)**

(SELECT AND COMPLETE ONE; ALL ATTACHMENTS MUST BE 2,000 WORDS OR LESS, EXCLUDING SUMMARIES OF STUDIES, REPORTS OR ANALYSES [Needs and Benefits]):

- A. The attached RIS contains:
  - The full text of the RIS.
  - A summary of the RIS.
  - A consolidated RIS, because this rule is one of a series of closely related and simultaneously proposed rules or is virtually identical to rules proposed during the same year.
- B. A RIS is **not attached**, because this rule is:
  - subject to a consolidated RIS printed in the *Register* under I.D. No.: \_\_\_\_\_; issue date: \_\_\_\_\_.
  - exempt, as defined in SAPA §102(2)(a)(ii) [Rate Making].
  - exempt, as defined in SAPA §102(11) [Consensus Rule Making].
- C.  A **statement is attached** claiming exemption pursuant to SAPA § 202-a (technical amendment).

18. **Regulatory Flexibility Analysis (RFA) for small businesses and local governments**

(SELECT AND COMPLETE ONE; ALL ATTACHMENTS MUST BE 2,000 WORDS OR LESS):

- A. The attached RFA contains:
  - The full text of the RFA.
  - A summary of the RFA.
  - A consolidated RFA, because this rule is one of a series of closely related rules.
- B.  A **statement is attached** explaining why a RFA is not required. This statement is in scanner format and explains the agency's finding that the rule will not impose any adverse economic impact or reporting, recordkeeping or other compliance requirements on small businesses or local governments and the reason(s) upon which the finding was made, including any measures used to determine that the rule will not impose such adverse economic impacts or compliance requirements.
- C. A RFA is **not attached**, because this rule:
  - is subject to a consolidated RFA printed in the *Register* under I.D. No.: \_\_\_\_\_; issue date: \_\_\_\_\_.
  - is exempt, as defined in SAPA §102(2)(a)(ii) [Rate Making].
  - is exempt, as defined in SAPA §102(11) [Consensus Rule Making].

19. **Rural Area Flexibility Analysis (RAFA)**

(SELECT AND COMPLETE ONE; ALL ATTACHMENTS MUST BE 2,000 WORDS OR LESS):

- A. The attached RAFA contains:
  - The full text of the RAFA.
  - A summary of the RAFA.
  - A consolidated RAFA, because this rule is one of a series of closely related rules.
- B.  A **statement is attached** explaining why a RAFA is not required. This statement is in scanner format and explains the agency's finding that the rule will not impose any adverse impact on rural areas or reporting, recordkeeping or other compliance requirements on public or private entities in rural areas and the reason(s) upon which the finding was made, including what measures were used to determine that the rule will not impose such adverse impact or compliance requirements.
- C. A RAFA is **not attached**, because this rule:
  - is subject to a consolidated RAFA printed in the *Register* under I.D. No.: \_\_\_\_\_; issue date: \_\_\_\_\_.
  - is exempt, as defined in SAPA §102(2)(a)(ii) [Rate Making].

is exempt, as defined in SAPA §102(11) [Consensus Rule Making].

**20. Job Impact Statement (JIS)**

(SELECT AND COMPLETE ONE; ALL ATTACHMENTS MUST BE 2,000 WORDS OR LESS):

A. The attached JIS contains:

The full text of the JIS.

A summary of the JIS.

A consolidated JIS, because this rule is one of a series of closely related rules.

B.  A statement is attached explaining why a JIS is not required. This statement is in scanner format and explains the agency's finding that the rule will not have a substantial adverse impact on jobs and employment opportunities (as apparent from its nature and purpose) and explains the agency's finding that the rule will have a positive impact or no impact on jobs and employment opportunities; except when it is evident from the subject matter of the rule that it could only have a positive impact or no impact on jobs and employment opportunities, the statement shall include a summary of the information and methodology underlying that determination.

A JIS/Request for Assistance [SAPA §201-a(2)(c)] is attached.

C. A JIS is not attached, because this rule:

is subject to a consolidated JIS printed in the *Register* under I.D. No.: \_\_\_\_\_  
issue date: \_\_\_\_\_

is exempt, as defined in SAPA §102(2)(a)(ii) [Rate Making].

is proposed by the State Comptroller or Attorney General.

**AGENCY CERTIFICATION (To be completed by the person who PREPARED the notice.)**

I have reviewed this form and the information submitted with it. The information contained in this notice is correct to the best of my knowledge.

I have reviewed Article 2 of SAPA and Parts 260 through 263 of 19 NYCRR, and I hereby certify that this notice complies with all applicable provisions.

Name Brian M. Callahan Signature \_\_\_\_\_

Address NYS Commission of Correction, 80 S. Swan Street, Albany, New York 12210

Telephone (518) 485-2346 E-Mail Brian.Callahan@scoc.ny.gov

Date 03/19/2013

**Please read before submitting this notice:**

1. Except for this form itself, all text must be typed in the prescribed format as described in the Department of State's Register procedures manual, *Rule Making in New York*.
2. Rule making notices with any necessary attachments should be e-filed via the Department of State website.



Text:

Section 7031.4 of Title 9 is amended to read as follows:

§7031.4 Access to legal reference material

(a) Consistent with the requirements of this Part, each local correctional facility shall provide prisoners access to current legal reference materials.

(b) Each local correctional facility shall [establish and maintain within the facility legal reference materials with supplements, including but not limited to, for every 100 prisoners or fraction thereof confined in the facility] provide prisoners access to:

(1) [one copy of] New York State Correction Law Annotated;

(2) [one copy of] New York State Penal Law Annotated;

(3) [one copy of] New York State Criminal Procedure Law Annotated; [and]

(4) [one copy of] Title 9 of the Official Compilation of Codes Rules and Regulations of the State of New York Subtitle AA[.];

[(c) Irrespective of the prisoner population of any local correctional facility, a facility need not provide more than two copies of any facility legal reference materials listed in subdivision (b) of this section.

(d) Each local correctional facility shall maintain within the facility at least one copy, with supplements, of the following legal reference materials, including but not limited to:]

[(1)5] a legal dictionary;

[(2)6] form books for use in conjunction with:

(i) New York State Criminal Procedure Law;

(ii) New York State Civil Practice Law and Rules; and

(iii) title 42, sections 1981-1988, and title 18, sections 4001-4321, of the United States Code Annotated;

([3]7) a treatise with respect to:

(i) New York State Civil Practice Law and Rules;

(ii) New York State Penal Law;

(iii) New York State Criminal Procedure Law; and

(iv) actions commenced pursuant to title 42 of the United States Code, section 1983;

([4]8) a New York State case law digest, or comparable search function of an electronic legal research service, capable of retrieving relevant case law on the topic of [dealing with]:

(i) criminal law; and

(ii) prisoners and prisons;

([5]9) The United States and New York State Constitutions;

([6]10) a treatise on prisoner's legal rights and remedies;

([7]11) New York State Civil Practice Law and Rules Annotated;

([8]12) title 42 of the United States Code Annotated, sections 1981-1988;

([9]13) title 18 of the United States Code Annotated, sections 4001-4321; and

([10]14) a treatise on legal research.

(c) Where one or more legal reference materials set forth in subdivision (b) are not maintained within the facility, or are maintained in a manner that does not permit direct access by a prisoner, the prisoner shall be provided access to a list of such available materials, sufficiently indexed to allow for a competent request by chapter, article, section, etc. Any such resulting request shall be made in writing and shall include the:

(1) name of the requesting prisoner;

(2) date of the request;

(3) name of the facility staff member receiving the request; and

(4) material requested.

(d) Legal reference materials requested pursuant to subdivision (c) of this section shall be made available within three (3) business days of the request. Costs attendant to printing or photocopying such materials shall not be charged to the requesting prisoner.

(e) Each local correctional facility shall additionally provide prisoners access to [ legal reference materials, including but not limited to]:

(1) United States Code Annotated;

(2) New York State Consolidated Laws;

(3) reported decisions of the Courts of New York from 1960 to date;

(4) reported decisions of Federal District Courts, Federal Circuit Courts of Appeals, and the United States Supreme Court from 1960 to date;

(5) a Federal case law digest, or comparable search function of an electronic legal research service, capable of retrieving relevant case law;

(6) a New York State case law digest, or comparable search function of an electronic legal research service, capable of retrieving relevant case law;

(7) Shepard's; and

(8) Federal and New York State legal forms.

[(f) The legal reference materials listed in subdivision (e) of this section shall be made available to prisoners:

(1) within the facility; or

(2) from a source outside the facility pursuant to a prisoner request made in accordance with subdivision (g) of this section.]

[[g]f) Prisoner requests for legal reference materials [not available within a facility or from a prisoner's legal counsel] set forth in subdivision (e) shall be made in writing and shall include the:

- (1) name of the requesting prisoner;
- (2) date of the request;
- (3) name of the facility staff member receiving the request; and
- (4) material requested.

([h]g) Legal reference materials requested pursuant to subdivision ([g]f) of this section shall be made available within [a reasonable time after any such] three (3) business days of the request.

([i]h) The chief administrative officer may require that requests made pursuant to subdivision ([g]f) of this section include with respect to the material requested:

- (1) citations;
- (2) section references; or
- (3) any other specific delineation of the requested portion of a legal reference volume.

([j]i) The chief administrative officer may comply with prisoner requests for legal reference material [not available within the facility, including but not limited to that material] listed in subdivision (e) of this section by:

- (1) providing specific volumes of requested legal reference material from a community library or any other source; or
- (2) providing photocopies of requested portions of a legal reference volume.

([k]i) Legal reference material photocopied pursuant to paragraph ([j]i) (2) of this section shall for indigent prisoners be photocopied at facility expense. The costs attendant to photocopying such material for prisoners other than indigent prisoners may, in the discretion of the chief administrative officer, be charged to such prisoners. Legal reference material photocopied at facility expense may be retained by the facility for prisoner use.

([l]k) With respect to legal reference material requested pursuant to subdivision ([g]f) of this section, the chief

administrative officer may establish reasonable limitations on:

- (1) the amount of legal reference material prisoners may request at any one time; and
- (2) the number of requests for legal reference material a prisoner may make each week.

([m]) All prisoners shall be provided access to, and i[I]ndigent prisoners shall be provided at facility expense with, supplies necessary for the preparation of legal matters, including:

- (1) pens or pencils; and
- (2) paper.

([n]m) All prisoners shall be permitted to have access to either black ink pens or typewriters for the purpose of preparing legal documents.

([o]n) Prisoners shall be permitted to use legal reference materials in any area specifically designated for legal work. If such an area is not available, prisoners shall be permitted to use legal reference material in facility housing areas. In the discretion of the chief administrative officer, prisoners may be permitted to use legal reference materials in both a specifically designated area and in facility housing areas.

([p]o) The chief administrative officer shall establish written guidelines for the use of all legal reference materials and supplies. Such guidelines shall be designed to ensure that prisoners have [daily and equal] sufficient access to such materials and supplies, providing further consideration to prisoners acting *pro se* with regard to a criminal proceeding or a matter related to the conditions of his or her confinement.

([q]p) Any prisoner who is found, in accordance with the provisions of Part 7006 of this Subtitle, to have intentionally damaged any legal reference materials or supplies available pursuant to this Part may be subject to disciplinary action including restitution.



## Regulatory Impact Statement (RIS):

The New York State Commission of Correction ("Commission") seeks to amend section 7031.4 of Title 9 NYCRR.

### 1.) Statutory authority:

Subdivision (6) of section 45 of the Correction Law authorizes the Commission of Correction to promulgate rules and regulations establishing minimum standards for the care, custody, correction, treatment, supervision, discipline, and other correctional programs for all person confined in the correctional facilities of New York State. Subdivision (15) of section 45 of the Correction Law allows the Commission to adopt, amend or rescind such rules and regulations as may be necessary or convenient to the performance of its functions, powers and duties.

### 2.) Legislative objectives:

By vesting the Commission with this rulemaking authority, the Legislature intended the Commission to promulgate minimum standards setting forth an inmate's entitlement to legal services in county correctional facilities, including the access to legal reference materials.

### 3.) Needs and Benefits:

In response to Executive Order No. 17, Commission of Correction Chairman Thomas A. Beilein convened a workgroup to undertake a regulatory review of the Commission's Rules, Regulations and Minimum Standards for the Management of County Jails and Penitentiaries. Participants included sheriffs, jail administrators, and representatives of the New York State Division of the Budget, New York State Sheriffs' Association and the

New York State Association of Counties. Of the various issues discussed, all expressed their desire to amend the Commission's regulations requiring a local correctional facility to maintain a law library, as the current regulations impose a significant cost upon each county.

It is well settled that prisoners have a constitutional right of access to the courts. Bounds v. Smith, 430 U.S. 817, 822, 97 S.Ct. 1491, 1494 (1977). In Bounds, the United States Supreme Court held that this fundamental constitutional right requires correctional authorities to "assist inmates in the preparation and filing of meaningful legal papers by providing prisoners with adequate law libraries or adequate assistance from persons trained in the law." Id. At 828 (emphasis added). In 1996, the Supreme Court revisited the Bounds decision in Lewis v. Casey, 518 U.S. 343, 116 S.Ct. 2174 (1996). In Casey, the Court held that Bounds "did not create an abstract, free-standing right to a law library or legal assistance." Lewis, at 2180. Rather, "[t]he right that Bounds acknowledged was the (already well-established) right of access to the courts." Id. at 2179. Inmate access to law library facilities was therefore only one constitutionally acceptable method to assure meaningful access to the courts, and the Court did not wish to foreclose alternative means to achieve that goal.

Consequently, based on the decisions in Bounds and Lewis, it appears that an inmate represented by legal counsel would have no constitutional right of access to a law library, or any other legal reference materials provided by a correctional facility.

Inmates of local correctional facilities in New York State, however, have been granted rights of access to legal reference materials superior to those guaranteed by the United States Constitution. Part 7031 of the Commission's Minimum Standards provides that "[e]ach prisoner confined in a local correctional facility is entitled to legal services [9 NYCRR §7031.1(a)(1)]." 9 NYCRR 7031.1(b) defines legal services as "access to: legal counsel, legal reference materials and supplies, a notary public, and other legal assistance [emphasis added]." Therefore, pursuant to the Commission's Minimum Standards, every prisoner incarcerated in a local

correctional facility, regardless of whether or not represented by legal counsel, is entitled access to legal reference materials as provided for in 9 NYCRR §7031.4.

Current Commission regulations require that each local correctional facility establish and maintain, within the facility, a supply of current legal reference materials, including various chapters of New York State Consolidated Laws, form books, various titles of the United States Code Annotated, and specified treatises and case law digests. Additionally, such facilities are required to provide access to, but not maintain in the facility, reported court decisions and other state and federal statutes, digests and forms.

As amended, the Commission's regulations will eliminate the requirement that a library of legal references be maintained within the facility, but preserve an inmate's rights to access such materials. Utilization of another law library maintained by a county to fill inmate requests will eliminate the duplicative costs of maintaining a library in the jail. Additionally, should a local correctional facility elect to maintain the law library within the facility, the costs associated therewith could now allowably be paid for with the profits of the inmate commissary pursuant to 9 NYCRR Part 7016.

Additional cost saving measures within the amendment include the allowable use of an electronic legal research service search function in the place of a New York State case law digest. The Commission has noted that only one publisher still provides a New York State case law digest, the cost of which is a significant part of a county's library expense. Modern electronic research services, such as Lexis-Nexis and Westlaw, currently provide a search function that allows an inmate to perform comparable research at a lower cost to the county. Further, the amendment dispenses with the requirement that each facility provide a typewriter for inmate use, provided such inmates are provided access to black ink pens. As legal papers are required only to be written in black ink (see CPLR Rule 2101), eliminating the requirement that facilities obtain and maintain typewriters will save the counties the costs associated therewith.

4.) Costs:

a. Costs to regulated parties for the implementation of and continuing compliance with the rule: None. The amendment may result in significant county savings should the choice be made to utilize another law library maintained by a county to fill inmate requests, thus eliminating the duplicative costs of maintaining a library in the jail. Additionally, should a local correctional facility elect to maintain the law library within the facility, the resulting costs could now allowably be paid for with the profits of the inmate commissary pursuant to 9 NYCRR Part 7016.

b. Costs to the agency, the state and local governments for the implementation and continuation of the rule: None. The regulation does not apply to state agencies or governmental bodies. As set forth above in subdivision (a), there will be no additional costs to local governments.

c. This statement detailing the projected costs of the rule is based upon the Commission's oversight and experience relative to the operation and function of a county correctional facility.

5.) Local government mandates:

None.

6.) Paperwork:

This rule does not require any additional paperwork on regulated parties.

7.) Duplication:

This rule does not duplicate any existing State or Federal requirement.

8.) Alternatives:

The alternative, maintaining the current regulations relative to inmate law libraries, was explored by the Commission. This alternative was rejected upon the Commission's finding, as set forth above, that unnecessary county expenditures, relative to the establishment of a law library within a local correctional facility, can be eliminated without sacrificing an inmate's access to necessary legal reference materials.

9.) Federal standards:

There are no applicable minimum standards of the federal government.

10.) Compliance schedule:

Each county correctional facility is expected to be able to achieve compliance with the proposed rule immediately.



Regulatory Flexibility Analysis (RFA) for small businesses and local governments:

A regulatory flexibility analysis is not required pursuant to subdivision three of section 202-b of the State Administrative Procedure Act because the rule does not impose an adverse economic impact on small businesses or local governments. The proposed rule seeks only to eliminate the requirement that law libraries be maintained within a local correctional facility. Accordingly, it will not have an adverse impact on small businesses or local governments, nor impose any additional significant reporting, record keeping, or other compliance requirements on small businesses or local governments.



Rural Area Flexibility Analysis (RAFA):

A rural area flexibility analysis is not required pursuant to subdivision four of section 202-bb of the State Administrative Procedure Act because the rule does not impose an adverse impact on rural areas. The proposed rule seeks only to eliminate the requirement that law libraries be maintained within a local correctional facility. Accordingly, it will not impose an adverse economic impact on rural areas, nor impose any additional significant record keeping, reporting, or other compliance requirements on private or public entities in rural areas.



**Job Impact Statement (JIS):**

A job impact statement is not required pursuant to subdivision two of section 201-a of the State Administrative Procedure Act because the rule will not have a substantial adverse impact on jobs and employment opportunities, as apparent from its nature and purpose. The proposed rule seeks only to eliminate the requirement that law libraries be maintained within a local correctional facility. As such, there will be no impact on jobs and employment opportunities.

