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 12210-8001
(518) 485-2346
FAX (518) 485-2467

CHAIRMAN
Thomas A. Beilein

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

MEMORANDUM

TO: COMMISSION MEMBERS

FROM: Brian Callahan, General Counsel

RE: AGENDA FOR COMMISSION MEETING

DATE: March 17, 2015 at 11:00AM

I. MINUTES

SCOC
February 18, 2015

CPCRC
March 12, 2015

MRB
March 5, 2015 Medical Review Board Minutes

II. VARIANCES

A. Suffolk Riverhead
95-V-08
(Section 7040.3 Facility Population Limitation)

B. Suffolk Riverhead
98-V-16
(Section 7040.3 Facility Population Limitation)

C. Suffolk Riverhead
00-V-07
(Section 7040.3 Facility Population Limitation)

D. Suffolk Yaphank
13-V-02
(Section 7040.3 Facility Population Limitation)

III. CONSTRUCTION

E. Montgomery County Jail
Jail Fence Modification

F. Tompkins County Jail
Yard Renovations Project

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MINUTES

LOCATIONS:

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Alfred E. Smith State Office Building
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DATE OF MEETING: February 18, 2015

Chairman Beilein called the meeting to order at 11:10am.

PRESENT:
Thomas A. Beilein, Chairman
Thomas Loughren, Commissioner
Tricia Amati, Assistant to Chairman/Commissioners
Jim Lawrence, Director of Operations
Richard Kinney, Deputy Director of Operations
Brian Callahan, General Counsel
Debbie Slack-Bean, Senior Counsel
Bill Benjamin, South Central, Supervisor
Terry Moran, Capital West, Supervisor
Steve Savoy, Hudson Lakes, Supervisor
Chester Martinez, CFS 1
Walt McClure, Deputy Director of Public Information
George Krom, Colonel, Dutchess County Sheriff's
Mike Walters, Major, Dutchess County Sheriff's Office
Katie Hohman, Program Specialist, New York State Association of Counties (NYSAC)

MINUTES

SCOC January 21, 2015	**Approved Unanimous** **Loughren/Beilein**
CPCRC February 12, 2015	**Approved Unanimous** **Loughren/Beilein**
MRB Administrative Closures	**Approved Unanimous** **Loughren/Beilein**

II. VARIANCES

A.	**Dutchess County Sheriff's Office** 15-V-01 (New) (Section 7040.3 Modular Housing Areas)	**Approved Unanimous** **Ninety (90) Days** **Loughren/Beilein**
B.	**Onondaga Justice Center** 13-V-03 (Section 7040.3 Facility Population Limitation)	**Approved Unanimous** **Six (6) Months** **Loughren/Beilein**
C.	**Putnam County Jail** 08-V-08 (Section 7040.3 Facility Population Limitation)	**Approved Unanimous** **Sixty (60) Days** **Loughren/Beilein**
D.	**Putnam County Jail** 03-V-01 (Section 7040.3 Facility Population Limitation)	**Approved Unanimous** **Sixty (60) Days** **Loughren/Beilein**
E.	**Suffolk County Sheriff's Office Riverhead** 95-V-08 (Section 7040.3 Facility Population Limitation)	**Approved Unanimous** **Thirty (30) Days** **Loughren/Beilein**
F.	**Suffolk County Sheriff's Office Riverhead** 98-V-16 (Section 7040.3 Facility Population Limitation)	**Approved Unanimous** **Thirty (30) Days** **Loughren/Beilein**

III. MFC

G.	**Nassau County Correctional Center** MFC Reformulation	**Approved Unanimous** **Loughren/Beilein**

IV. CONSTRUCTION

H.	**Suffolk County Sheriff's Office** Bid Package "E" Renovation to Dorms at Yaphank Correctional Facility	**Approved Unanimous** **Loughren/Beilein**
I.	**Sullivan Correctional Facility** NYS Department of Correctional Services & Community Supervision; Replace Perimeter Fence, Perimeter Systems & Redirect Drainage Project	**Approved Unanimous** **Loughren/Beilein**

J.	**Wallkill Correctional Facility** NYS Department of Correctional Services & Community Supervision; Provide Perimeter Security Fence/Alarm System Project	**Approved** **Loughren/Beilein**	**Unanimous**

Commissioner Loughren made a motion to go into executive session at 11:30am to discuss Construction and MRB items, which was seconded by Chairman Beilein.

Commissioner Loughren made a motion to exit Executive Session and return to general session at 11:48am, which was seconded by Chairman Beilein.

The meeting resumed at 11:49am. Motion was made by Commissioner Loughren to ratify actions taken in Executive Session regarding MRB and Construction items, seconded by Chairman Beilein and approved.

Commissioner Loughren made a motion to adjourn at 11:49am, which was seconded by Chairman Beilein.

Respectfully submitted,

Tricia Amati
Assistant to Chairman/Commissioners

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Respectfully submitted,

Tricia Amati
Assistant to Chairman/Commissioners

Name of Facility: **Suffolk County - Riverhead** Variance # **95-V-08**

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

Application by: Suffolk County CF (Riverhead) **Date Request Rec:** ON GOING

Last Approved: February 12, 2015 **Length of Approval: 30-days** **Expiration:** 4/1/15

Write-up Prepared by: Chester Martinez

Recommendation by Field Staff: Approve for 2 **Months**

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.

Housing Area	MFC	Variance Beds
1 East North	17	8
1 East South	17	8
1 South East	20	8
1 South West	20	8
2 East North	20	8
2 East South	20	8
2 South East	20	8
2 South West	20	8
2 West South	20	8
2 West North	20	8
3 East North	20	8
3 East South	20	8
3 South East	20	8
3 South West	20	8
3 West South	20	8
3 West North	20	8
4 East North	20	8
4 East South	20	8

4 South East	20	**8**
4 South West	20	**8**
4 West South	20	**8**
4 West North	20	**8**
5 East North	20	**8**
5 East South	20	**8**
5 West South	20	**8**
5 West North	20	**8**
Grand Total	514	**208**
Less vacated cells		**26**
Net Total		**182**

RECOMMENDED CONDITIONS IF APPROVED
Same conditions currently in effect should apply.

VARIANCE HISTORY See Attached

Current Information:
The 2015 IFP will consist of a follow-up on open issues, monitoring of Bid Package "E" and the monitoring of the potential reduction in variance beds.

BID PACKAGE E: Approved by the Commission on 2/18/15 meeting.

CONSTRUCTION/RENOVATION PLANS

Phase II (Additional Housing – 360 Beds): *(SEE STAFF NOTE BELOW)*

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.
07/01/14 – Project advertised and let for bidding
09/01/14 – Bids received and review begins.
11/01/14 – Contract awarded and Construction begins.
05/01/17 – Construction Completed and facility turned over to SCSO.

OTHER VARIANCES IN EFFECT
98-V-16, 95-V-08, 00-V-07, 13-V-02

STAFF INFORMATION AFTER SITE VISIT (DATE OF LAST VISIT TO FACILITY):
JANUARY 29, 2015.

ANY OPEN MINIMUM STANDARD VIOLATIONS:
See attached response assessment.
See attached letter regarding "Sprung" bathroom repairs.
See attached "Open/follow-up" standard evaluation.

ANY VIOLATIONS WHICH PERTAIN TO THE VARIANCE'S CONDITIONS:

JUSTIFICATION FOR WHY VARIANCE SHOULD OR SHOULD NOT BE EXTENDED:
THE COMMISSION HAS RECEIVED FROM SUFFOLK COUNTY OFFICIALS A PROPOSAL TO EXTEND THE TIMELINES OF "PHASE II" CONSTRUCTIONS FOR A PERIOD TO THREE YEARS. (SEE ATTACHED)

COMMISSION STAFF IS RECOMMENDING 60-DAYS APPROVAL TO BE ABLE TO REVIEW AND ASSESS THE PLAN SUBMITTED.

REVIEWED BY REGIONAL SUPERVISOR: **DATE:** 3/9/15

3/9/15

OFFICIAL USE ONLY:

NOTES OF MEETING: _____

SUFFOLK COUNTY

FEB 10 2015

COUNTY LEGISLATURE

THOMAS F. BARRAGA
LEGISLATOR, 11TH DISTRICT

187 SUNRISE HIGHWAY, SUITE C
WEST ISLIP, NEW YORK 11795
(631) 854-4100

February 4, 2015

Thomas A. Beilein
Chairman of New York State Commission of Correction
Alfred E. Smith State Office Building
80 South Swan St. 12th Floor
Albany, NY 12210

Dear Chairman Beilein:

As it gets closer to Suffolk County having to build another jail, the clearer it becomes that the facility and its massive expense are unnecessary.

Since the amendments of New York's Rockefeller Drug Laws in 2009 with the elimination of mandatory prison sentences for some drug offenses, and the reduction of minimum sentence for others the number of inmates has trended downward. A state study on Suffolk's jail needs does date to 2004 when inmate population was on the rise and it was not unreasonable at that time to assume that a continuing upward trend once again.

Suffolk opened a modern 420-bed addition to its Yaphank facility last year. That brought the county's prisoner capacity up to 1,544 and the County has state-granted allowances, called variances, that permit it to host about 400 more prisoners. Yet in 2014, Suffolk averaged only 1,350 to 1,400 prisoners a day, according to Sheriff Vincent DiMarco, with a high of 1,550.

The State has demanded that Suffolk keep planning to build more unnecessary capacity, ordering that the County provide another 360 beds. That will cost the tax-payers $2 million in design fees budgeted for this year and $110 million for construction over the next three years-for a facility that might never be needed and certainly won't be necessary anytime soon.

The decline in jailhouse population isn't due to luck. Rather, it is part of a welcome local and national trend decreasing crime that is likely to continue. At the same time, the way the criminal justice system handles defendants yet to stand trial is also changing. In Suffolk, one of the biggest improvements is a growing program for supervised release of suspects awaiting trial that is far cheaper and more sensible than holding them. That and other diversion programs are getting addicts into treatment rather than jail and putting young people in positions to be rehabilitated rather than hardened.

Statewide, jails are being closed as criminal populations decline and lawmakers balk at funding them as job programs. Nationally, there is a movement toward loosening both the laws and sentencing guidelines for drug possession, especially marijuana. New sentencing guidelines are likely to drive jail populations down even further. The State ought to acknowledge this and free Suffolk County from this construction mandate.

Very truly yours,

Thomas F. Barraga

Thomas F. Barraga
Suffolk County Legislator

New York State Commission of Correction
Chairman Thomas A. Beilein

Memorandum

From: Chairman Thomas A. Beilein

Date: February 10, 2015

Access Number:

To: Jim Lawrence
Brian Callahan
Richard Kinney

Sender: Thomas F. Barraga, Suffolk County Legislator

Date Original Received:2/4/2015

Re: Construction Mandate

Document Description: Letter/Variance Applications

Chairman's Comments:

Routing Information

Regional Supervisor: Savoy

CC:

COUNTY OF SUFFOLK

FEB 24 2015

OFFICE OF THE SHERIFF

VINCENT F. DEMARCO
SHERIFF

February 13, 2015

Thomas A. Beilein
Chairman/Commissioner
New York State Commission of Correction
80 Wolfe Road, 4th Floor
Albany, New York 12203-3764

Dear Commissioner Beilein:

I have recieved the letter dated February 3, 2015 concerning conditions in the Stressed Membrane Structure labeled Dorm East and Dorm West.

The following actions are being taken to alleviate the condition of the windows in both of these housing areas:

- The Department of Public Works has been contacted and has inspected the window frames of both areas. The importance of rectifying this condition has been stressed and I have been assured the utmost attention will be paid to correction of same.

- A contractor, Austin Interiors, Inc., has been contacted and has visited the Yaphank Correctional Facility. We have been promised an expedited written estimate. This estimate will include both steel and aluminum replacement of the window frame options. DPW management has expressed their commitment to authorize this work in an expeditious manner.

- DPW staff has installed a temporary steel plate over the bottom of each window sill on the lavatory side. This measure will prevent inmate access to the section rusted through limiting access to any area that could be loosened providing material for weapon manufacture. Photographs of the windowsills are attached.

If there is any additional information that you need, please do not hesitate to contact me.

Sincerely,

Vincent F. DeMarco
Sheriff

cc: Undersheriff John Meyerricks
Undersheriff Joseph Caracappa
Charles Ewald, Warden

100 CENTER DRIVE
RIVERHEAD, NEW YORK 11901-3389
(631) 852-2200

New York State Commission of Correction
Chairman Thomas A. Beilein

Memorandum

From: Chairman Thomas A. Beilein TAB

Date: February 24, 2015

Access Number:

To: Jim Lawrence
Brian Callahan
Richard Kinney

Sender: Sheriff Vincent DeMarco

Agency: Suffolk County Sheriff's Office

Date Original Received: 02/13/15

Re:Stressed Membrane Structure

Document Description: Letter

Chairman's Comments:

Routing Information

Regional Supervisor: Benjamin, Savoy

CC:

OPEN / FOLLOW-UP ISSUES AT SUFFOLK CORRECTIONAL FACILITY (MARCH 2015)

Part 7002 – Admission - Yaphank Facility and Riverhead Facility
Section 7002.1 Policy

Original Commission Findings: It was explained to Commission staff the department is gearing up to start booking at the Yaphank facility. Commission staff has concerns with the ability of the agency to start the booking process at the Yaphank Facility and all of the Original Action Required below must be addressed prior to the start of the booking process at the Yaphank Facility.

Original Action Required: Prior to commencing bookings at the Yaphank facility the department needs to submit a comprehensive policy and procedure as well as a written plan for the admissions of inmates into the custody of the Sheriff's department at the Yaphank Facility. At a minimum, this plan must include the following items:

- **Staffing levels**
- **Post orders**
- **Prisoner Identification**
- **Identification staffing and equipment**
- **Medical protocols**
- **Identify Classification housing**
- **Identify what inmate will be booked at what facility (flow criteria)**
- **Inmate flow to and from court.**
- **New inmate processing as opposed to court return processing;**
- **Records retention, where and how**
- **Approved classification housing plan**
- **Any other relevant items**

Facility Response: ***Using your bulleted list:***

- **Identification Staffing and Equipment**
  At this time there is no plan to increase the staffing level of the Identification Section. The work load is not anticipated to increase; therefore, a reallocation of staff is the appropriate response. Equipment necessary to fulfill the duties of the Identification Techs is on site in the Yaphank Facility.

Response Assessment: Upon opening the Yaphank facility for processing newly admitted inmates into the facility Commission staff will be evaluating the staffing levels.

Status: Open

- **Medical protocols**
  Upon full staffing by the Medical Unit, currently anticipated as April, the medical protocols will not differentiate between facilities. It is projected that all medications will be available in both facilities, and any special needs housing will be determined by our Classification Unit, not by limited medical resources.

Response Assessment: This is addressed under the classification section of this report.

- **Identify Classification housing**
  Classification of housing units is a fluid operation and the current breakdown is attached as Appendix C.

Response Assessment: Upon opening the Yaphank facility for processing newly admitted inmates into the facility Commission staff will monitor the classification process.

Status: Open

- **Identify what inmate will be booked at what facility (flow criteria)**
  The booking of inmates will primarily be: Yaphank will book inmates arriving from the District Court in Central Islip. Inmates arriving from the east end Justice Courts and County Court in Riverhead will be booked in the Riverhead Facility. A flow chart is attached as Appendix D.

Response Assessment: Upon opening the Yaphank facility for processing newly admitted inmates into the facility Commission staff will continue to monitor the progress.

Status: Open

- **Approved classification housing plan**
  The approved classification housing plan is the utilization of the scoring instrument and compliance with minimum standards. Our current inmate population is at a low level allowing ample space for the Classification Unit to manage the housing areas comfortably.

Response Assessment: Upon opening the Yaphank for processing newly admitted inmates into the facility Commission staff will monitor the classification process.

Status: Open

Part 7002 – Admissions - Riverhead Facility
Section 7002.4(c)(1-4)(d)(1), Property confiscation

Original Commission Findings: Upon review of newly admitted inmate property forms, Commission staff noted that when new inmates are transferred from the department's Law Enforcement personnel to the Correctional staff, the Correctional staff does not receive a written inventory of the property from the Law Enforcement personnel.

Upon inquiry, Commission staff was informed that when a newly committed inmate's property is confiscated or accepted by the department's Law Enforcement personnel and subsequently transferred to Correctional staff, there is no inventory of the property completed by Law Enforcement personnel for the Correctional staff to review and verify. If Law Enforcement personnel accept the property from an outside agency, the written inventory documented by that agency is accepted by the Law Enforcement personnel and directly transferred to Correctional staff upon transport to the facility.

If the department's Law Enforcement personnel are the arresting agency, the inmate's property is not inventoried and documented until the inmate is transported to the facility, where a written inventory of property is then completed by Correctional staff. Subsequently, this creates the propensity for error and omission of the property being confiscated and then transferred.

Facility Response: None

Response Assessment: The department must put in place some type of chain of custody for both the prisoner's and their property from receiving the prisoner at the courts to the final custody of the correctional facility.

Status: OPEN.

Original Action Required: As required by this section, whenever property is confiscated and/or accepted by any departmental staff, the property shall be inventoried and recorded in writing. This shall include:

-the name of the prisoner;
-an itemization of each personal property item confiscated with an accurate description of such item;
-the date of confiscation, and
-the name and signature of the officer completing the inventory*.

***The prisoner shall verify by signing the inventory as being complete and accurate. If for any reason a prisoner is unable to do so, the inventory shall be witnessed by another staff member.**

Facility Response: *Inmate property will be inventoried and stored securely by the property officers upon receipt of any property.*

Response Assessment: The department must put in place some type of chain of custody for both the prisoner's and their property.

Status: Open

OPEN / FOLLOW-UP ISSUES AT SUFFOLK CORRECTIONAL FACILITY (MARCH 2015)

[redacted]

[redacted]

OPEN / FOLLOW-UP ISSUES AT SUFFOLK CORRECTIONAL FACILITY (MARCH 2015)

[redacted]

[redacted]

OPEN / FOLLOW-UP ISSUES AT SUFFOLK CORRECTIONAL FACILITY (MARCH 2015)

[redacted]

[redacted]

OPEN / FOLLOW-UP ISSUES AT SUFFOLK CORRECTIONAL FACILITY (MARCH 2015)

Part 7008 - Visitation
Part 7008 - Visitation - Riverhead and Yaphank Facilities

Commission Findings: During visits at the facility, Commission staff were informed inmates that are brought down to the visit area are being charged for a visit, against their two hours of visits per week, for visits even when the visitor does not show up to the visit.

Original Action Required: Inmates are entitled to at least two hours of visitation each week. Each visit shall be at least 30 minutes. The department shall discontinue counting visits against an inmate when the visitors do not show up for such visit.

> **Facility Response:** *The practice of counting a missed visit as one of the two received by inmates each week has been discontinued.*

Response assessment: Commission staff will continue to monitor this however this is considered closed at this point.

> **Status: Closed**

Part 7009 - Food Services – Riverhead Facility

Original Commission Findings: Commission staff observed the kitchen was in the process of upgrading the inventory board. Until such time as the inventory board is operational, Commission staff cannot ascertain the accuracy of the inventory of kitchen utensils.

Original Action Required: The department shall ensure that a complete and accurate inventory of kitchen utensils is maintained.

> **Facility Response:** *A directive has been issued requiring the kitchen staff to log the utensils in the kitchen. Attached as Appendix K.*

Response assessment: Commission staff will continue to monitor this however this is considered closed at this point.

> **Status: Closed**

Original Commission Findings: At the time of evaluation, Commission staff noticed that the facility was draining pasta on the floor over the floor drain system. Commission staff was informed that all of the colanders in the facility were broken at the time of the evaluation.

Original Action Required: The facility shall ensure that food is prepared in a clean and sanitary condition consistent with State Sanitary Code. The Commission requires that the facility contact the county health department and have the facility kitchen reevaluated with an eye toward kitchen sanitation and food preparation. Upon completion of the health inspection please forward the report to the Commission for review and comment.

Facility Response: *The Suffolk Department of Health Services conducted an inspection of the Riverhead Kitchen on 30 JAN 2014. Attached as Appendix L. All items identified have been remediated.*

Response assessment: Commission staff will continue to monitor.

Status: **Closed.**

Part 7010 - Health Services

Original Commission Findings: The Suffolk County Department of Health is currently working on a comprehensive list of services and staffing levels at both the Yaphank and the Riverhead facilities. The implementation of services at both facilities has been slow and is creating an issue with the implementation of several items at the facility to include classification, booking at the Yaphank facility, conducting sick call on the housing units etc.

Original Action Required: The facility must provide a comprehensive staffing list along with what services will be provided at what facility. The services being provided must not conflict with the requirements of 7013 classification.

Facility Response: *Dr. Geraci reports that the Health Department is aware of the needs of the Sheriff's Office for a seamlessness of service between facilities (with very few exceptions) . It is the intent of the Medical Unit to have no impact on the Classification Unit and their placement of inmates. With the transition of personnel due to the closures of County Health Centers, staffing is expected to improve as staff transfers to the Correctional Facilities. The timeline described by Dr. Geraci is ASAP, with a realistic completion of April, including the training of transferring staff.*

Response assessment: Commission staff will continue to monitor this issue and direct a letter to the county executive and the health department. Efforts to address this matter have been going on for some time and the Yaphank facility has been open for over a year. Continued violations in this area may result in the Commission taking further action.

Status: **Open.**

Part 7013 – Classification

Original Commission Findings: The Classification Captain informed Commission staff the new classification policy and procedure is completed and the new classification and reclassification instruments are currently being used on a system wide basis. While conducting the evaluation of classification Commission staff noticed the facility is still utilizing a combination of the old system and the new system. This is due, in part, to Medical not allowing specific inmates to be housed at the Yaphank Facility. This in itself creates the facility to classify utilizing a formal and objective system and then utilize a subjective system without creating an override.

Original Action Required: The facility must classify inmates utilizing a formal and

objective classification system to assign primary house to those inmates that have completed the initial screen and classification process. The medical department cannot place precursors on the primary housing of inmates unless they recommend specifically 'not cleared for classification' then and only then may the Classification unit assign the inmate to Special housing pursuant to 7013.2(h).

Facility Response: *Discussion with your staff clarified this issue during the site visit. The issues confronting the Classification Unit due to the limited capabilities of the medical unit at the Yaphank Facility will dissipate with the full operation we believe will commence in April. The low inmate count has allowed the Classification Unit to manage inmate housing in a smooth and generally trouble free manner that is expected to improve when medical issues do not dictate housing decisions.*

Response assessment: Upon review, the facility is still in violation of classification and the same issue still persists. Furthermore a review of documentation dated June 12, 2014 showed 80 possible inmates that could by classification standards be housed in the Yaphank Facility however only 19 were approved by Medical staff due to medication issues or staffing issues. Continued violations with classification of inmates may cause the Commission to take further action.

Status: **Open.**

Part 7015 – Sanitation – Riverhead Facility

Original Commission's Findings: Many of the issues within the control of the facility administration such as daily cleaning, floor mopping, painting and garbage removal are all completed satisfactorily. The department continues to take great effort in maintaining the facilities in a clean condition, however there are issues that need prompt attention regarding some of the inmate cells. For example, Commission staff observed cloths lines made of torn bed sheets in numerous areas.

Original Action Required: The department needs to put in place a system of checks and balances whereby the inmates are held responsible for the destruction of county property and the general cleanliness of their cells.

Facility Response: *Staff has been reminded of the procedures delineating their responsibility for the enforcement of rules pertaining to this issue.*

Response assessment: A review of the sanitation issues of both the Riverhead and Yaphank Facility was conducted June 11-12, 2014. Again those issues in the control of the department were taken care of immediately however those issues such as broken toilets, showerheads not properly functioning are outside of the Sheriff's Departments authority and fall on DPW. In these instances there appeared to be an unacceptable delay. Maintenance staff assigned to the Sheriff's Department do not report directly to security staff, they report to a DPW supervisors. This in turn causes unnecessary delays in repairs and once again is outside the Sheriff's department control.

Original Action Required: The Commission is requesting that a DIRECT CHAIN of authority

be established from the DPW Maintenance staff assigned to work at the correctional facilities to the Warden of the facility. Failure to create such a chain of command in this area will leave the Commission no other choice but to mandate this in the staffing analysis.

Status Open

Part 7016 – Commissary

Original Commission Findings: Pursuant to Part 7016 (d), 'definite arrangements shall be made for periodic audit of the commissary accounts by the office of county auditor, county treasurer or other county officer in a similar capacity'. Upon inquiry for the most recent facility commissary audit report, Commission staff were given an audit dated 2003 but also informed that the county completed an audit of the commissary 'almost two years ago' however has not received any notification of their findings.

Original Action Required: Pursuant to 7016.1, the definite arrangements shall be made for the periodic audit of the commissary accounts by the office of the county auditor, county treasurer and other county officer in a similar capacity.

Facility Response: *Deputy Warden Franchi has contacted the auditors in an attempt to clarify when we will receive the report of the completed audit. We have been told that we should expect the report sometime this year.*

Response assessment: Please forward the commission a copy of the report upon completion.

Status: Open.

Original Commission Findings: Profits resulting from commissary sales shall be deposited in a separate bank account and shall be utilized **only** for purposes of prisoner welfare and rehabilitation. A review of expenditures from the Suffolk County Commissary Account have raised some question for the Commission, therefore those expenditures have been forwarded to the New York State Comptroller for review and comment.

Facility Response: *I have directed that all future barbershop supplies be purchased through the use of county operating funds.*

Status: Closed

Part 7017 – Personnel Standards
Section 7017.1, Training - Riverhead and Yaphank Facilities

Original Commission Findings: The facility does require newly hired civilian workers and volunteers to attend a safety orientation program upon their hiring. However, there is no documentation maintained to verify that newly hired civilians completed the program.

Recommendation: The facility should maintain documentation that all civilians have completed the facility safety orientation program following their hire and maintain such on file within the facility.

Facility Response: *The Internal Security Unit will amend their computerized database for civilian employees and volunteers to include their dates of clearance/hire and the date that they received their security orientation class.*

Status: **Closed**

Part 7039 – Fire Prevention and Safety - Riverhead Facility
Section 7039.3, Fire prevention code requirements

Original Commission Findings: While touring throughout the facility, Commission staff observed numerous fire extinguishers that did not reflect current inspections. This included a fire extinguisher located in the CERT trailer (which stores the military-grade chemical agents) that had a tag affixed dated the year 1999.

Original Action Required: As required by this Part, the facility shall ensure that all fire extinguishers are inspected regularly and that the extinguisher inspection tags reflect such. In addition, the facility shall remove all outdated extinguishers for repair or replacement.

Facility Response: *While reviewing this issue it became apparent that, with the exception of the fire extinguisher in the SERT trailer, all the fire extinguishers are currently inspected and current. The county provides for annual inspections of all fire suppression equipment by an outside vendor. This includes the extinguishers in the correctional facilities. The tags provided by this vendor indicate the date of service and are valid for one year from the date of service. Commission staff seems to*

have interpreted the date shown as the expiration and not the date of service. I have attached a copy of a tag as Appendix O showing this.

Response assessment: Commission staff will continue to monitor this issue.

Status: Closed.

Section 7039.4, Fire and safety inspections

Original Commission Findings: Upon request for documentation regarding the previous annual facility fire inspection, the facility could only provide Commission staff with documentation dated the year 2008. However, upon inquiry, the facility administration informed Commission staff that annual inspections have been conducted, with the most recent being conducted in March of this year, and with a current inspection slated for October, 2013. The facility did produce documentation confirming an October 11, 2013 appointment with a representative from the Suffolk County Department of Fire and Rescue to conduct the annual fire safety inspection.

Original Action Required: The facility shall maintain documentation within the facility confirming that annual fire safety inspections are conducted and be able to produce a copy of such upon demand. The documentation shall include the steps taken, or to be taken, to correct any deficiencies found during the inspections.

Facility Response: *While reviewing this issue it became apparent that, with the exception of the fire extinguisher in the SERT trailer, all the fire extinguishers are currently inspected and current. The county provides for annual inspections of all fire suppression equipment by an outside vendor. This includes the extinguishers in the correctional facilities. The tags provided by this vendor indicate the date of service and are valid for one year from the date of service. Commission staff seems to have interpreted the date shown as the expiration and not the date of service. I have attached a copy of a tag as Appendix O showing this.*

Status: Open

Section 7039.5, Fire prevention and safety practices and training

Original Commission Findings: Upon inquiry, Commission staff was informed that currently there is only one officer assigned to conduct the weekly fire safety inspections at the Riverhead Facility. This one officer is also responsible for conducting the weekly inspections at the Yaphank Facility as well. Commission staff was informed that the secondary officer responsible for the inspections (should the primary officer be unavailable) had recently been reassigned and is no longer responsible for the inspections as a secondary officer.

Original Action Required: The facility shall appoint secondary officer(s) to conduct the weekly fire safety inspections at the Riverhead and Yaphank facilities should the primary officer be unavailable. The officer(s) appointed must have successfully completed a fire protection seminar approved by the Office of Fire Prevention and Control.

Facility Response: *The annual Fire Inspection has been completed and we are awaiting the written report. Upon receipt we will forward a copy to the commission and begin the necessary corrective action.*

Response assessment: Commission staff will continue to monitor this issue and it will remain open pending receipt of a copy of the annual fire inspection.

Status: Open.

Recommendation: In addition to appointing at least one secondary officer to conduct the inspections at the Riverhead Facility, the facility should consider appointing separate primary and secondary officers to conduct the weekly inspections at the Yaphank Facility.

Facility Response: *The filling of a permanent Fire Safety Officer for the correctional facility at Yaphank is imminent.*

Response assessment: Commission staff will continue to monitor this issue.

Status: Closed.

Original Commission Findings: Upon review of the weekly fire safety inspections, Commission staff noted that any deficiencies found during the inspections and the subsequent corrective action taken to address such was not being documented. Upon inquiry, Commission staff was informed that most deficiencies were addressed via phone to the facility maintenance department.

However, the facility produced a copy of the 'Facilities Repair/Maintenance Request Form' which had already been developed, but was not currently being utilized. Prior to the end of the evaluation, Commission staff was informed that this form would again be utilized from now on.

Original Action Required: The facility shall ensure that all deficiencies found during weekly fire safety inspections are documented, along with the actions taken, or to be taken, to address such.

Facility Response: *The Fire Safety Officer has implemented two new forms to document his activities. We have developed a Facility Inspection Guide Form that identifies the task that he performs during his inspections of the facilities. This is attached as Appendix P. Additionally; this officer will log all calls for service on a spreadsheet to identify dates of remediation after he is notified of a deficiency.*

RESPONSE ASSESSMENT: Commission staff will continue to monitor this however this is considered closed at this point.

Status: Closed

Part 7063 – Chemical Agents - Riverhead Facility
Section 7063.4, Use of chemical agents

Note: Due to time constraints during the evaluation, Commission staff was unable to ascertain the status of the facility health services staff in regards to the required training needed to treat those persons who have been exposed to chemical agents. In addition, this Part requires the facility to have a policy and procedure in place for prior notification to the health services staff for those persons who may be adversely affected by chemical agents prior to a planned use. As a result, these issues will be addressed during the next scheduled on-site evaluation.

Facility Response: *The majority of the county nurses have been trained and the nursing supervisor has been contacted to ensure that this training is maintained for any new nurses beginning work at the correctional facilities.*

Response assessment: Commission staff will continue to monitor this however this is considered closed at this point.

Status: Closed

[redacted]

OPEN / FOLLOW-UP ISSUES AT SUFFOLK CORRECTIONAL FACILITY (MARCH 2015)

[redacted]

[redacted]

OPEN / FOLLOW-UP ISSUES AT SUFFOLK CORRECTIONAL FACILITY (MARCH 2015)

[redacted]

Original Commission Findings: Upon inquiry, Commission staff was informed that the policy for each qualified facility staff member is to carry one canister of facility-issued Oleoresin Capsicum (OC) spray on their person. Commission staff was also informed that it is the responsibility of each staff member to conduct their own individual inspections of their canisters regularly. However, the facility could not provide any documentation to verify these inspections are being conducted.

As discussed during the evaluation, although the requirement for the inspection of OC munitions and devices has been revised to not exceed every six months (in lieu of the previous requirement of quarterly inspections) the facility is still required to conduct inspections and document such. However, with over 900 sworn staff at the Riverhead, Yaphank and D.W.I. facilities combined, the Commission is cognizant of the unique burden this requirement places on the facility.

Nevertheless, it is obligatory on the facility to verify in writing that inspections of the staff's facility-issued OC canisters are being conducted at intervals not to exceed six months. During the evaluation, Commission staff suggested that as it is documented whenever each staff member receives or replaces an OC canister, it is feasible to include a bi-annual inspection within the same documentation. Another option for consideration is for staff to conduct a visual inspection during shift change, document the inspection utilizing a checklist by name, and do so at six-month intervals.

Additionally, as all applicable staff must complete a refresher training annually which includes an inspection, this provides an opportunity to document such and would satisfy, in part, the requirements of this section. The facility would only need to conduct one additional inspection at the six-month interval between each annual refresher training course to satisfy the minimum standard requirements of this section.

Original Action Required: As required by this Part, the facility shall conduct inspections of the facility-issued OC at intervals not to exceed six (6) months and subsequently document such. A written record of all inspections shall be maintained and include:

-the name of the person inspecting the article;
-the date of the inspection;
-the type and quantity of articles inspected, and
-a description of their condition.

Facility Response: *The inspections required by your staff are ongoing and will continue. Inspections occurring in the course of annual firearms requalification are included in the database and will be used if they fall within the appropriate timeframe*

Response assessment: Commission staff will continue to monitor this however this is considered closed at this point.

Status: Closed.

OPEN / FOLLOW-UP ISSUES AT SUFFOLK CORRECTIONAL FACILITY (MARCH 2015)

[redacted]

OPEN / FOLLOW-UP ISSUES AT SUFFOLK CORRECTIONAL FACILITY (MARCH 2015)

[redacted]

All Variances History

Monday, March 09, 2015
8:18:03 AM

Jurisdiction	Number	ID	Standard Number	Expires	Meeting Date	Open/Closed	Action taken	
Suffolk Riverhead								
	95-V-08							
		397	7040.3	4/1/2015	3/17/2015	Open		
		381	7040.3 Facility population limitation	3/1/2015	2/18/2015	Closed	Approval	1 month
		367	7040.3 Facility population limitation	9/1/2014	8/19/2014	Closed	Approve	06 Months
		360	7040.3 Facility population limitation	5/1/2014	4/15/2014	Closed	Approve	04 Months
		301	7040.3 Facility population limitation	4/1/2014	3/18/2014	Closed	Approve	01 Month
		290	7040.3 Facility population limitation	4/1/2013	3/19/2013	Closed	Approve	12 Months
		270	7040.3 Facility population limitation	3/1/2013	2/19/2013	Closed	Approve	01 Month
		250	7040.3 Facility population limitation	11/1/2012	10/16/2012	Closed	Approve	04 Months
		244	7040.3 Facility population limitation	8/1/2012	7/17/2012	Closed	Approve	03 Months
		225	7040.3 Facility population limitation	7/1/2012	6/19/2012	Closed	Approve	01 Month

Jurisdiction	Number	ID	Standard Number	Expires	Meeting Date	Open/Closed	Action taken	
		191	7040.3 Facility population limitation	2/1/2012	1/18/2012	Closed	Approve	03 Months
		176	7040.3 Facility population limitation	12/1/2011	11/15/2011	Closed	Approve	02 Months
		143	7040.3 Facility population limitation		10/18/2011	Closed	Approve	05 Months
		167	7040.3 Facility population limitation	11/1/2011	10/18/2011	Closed	Approve	01 Month
		120	7040.3 Facility population limitation	6/1/2011	5/17/2011	Closed	Approve	
		79	7040.3 Facility population limitation	3/1/2011	2/15/2011	Closed	Approve	01 Month
		127	7040.3 Facility population limitation	3/1/2011	2/15/2011	Closed	Approve	06 Months
		123	7040.3 Facility population limitation		9/22/2010	Closed	Approve	05 Months
		122	7040.3 Facility population limitation		3/17/2010	Closed	Approve	06 Months
		76	7040.3 Facility population limitation	4/1/2010	3/16/2010	Closed	Approve	06 Months
		19	7040.3 Facility population limitation	3/1/2010	2/16/2010	Closed	approve	1 month

Jurisdiction	Number	ID	Standard Number	Expires	Meeting Date	Open/Closed	Action taken	
		119	7040.3 Facility population limitation		11/18/2008	Closed	Approve	03 Mon
		118	7040.3 Facility population limitation		8/19/2008	Closed	Approve	03 Months
		117	7040.3 Facility population limitation		2/18/2008	Closed	Approve	03 Months
Suffolk Yaphank								
	95-V-08							
		212	7040.3 Facility population limitation	5/1/2012	4/17/2012	Closed	Approve	02 Months
		25						

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 18, 2015 **Length of Approval:** 6 month **Expiration:** April 1, 2015

Write-up Prepared by: Chester Martinez

Recommendation by Field Staff: Approve for 2 **Months**

SUMMARY OF VARIANCE REQUEST

Requesting authorzation of double – celling inmates in the pods of the Riverhead faiclity 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
TOTALS	240	192	432

RECOMMENDED CONDITIONS IF APPROVED

Same conditions currently in effect should apply.

VARIANCE HISTORY See attached

Current Information:

The 2015 IFP will consist of a follow-up on open issues, monitoring of Bid Package "E" and the monitoring of the potential reduction in variance beds.

BID PACKAGE E: Approved by the Commission on 2/18/15 meeting.

CONSTRUCTION/RENOVATION PLANS

Phase II (Additional Housing – 360 Beds): *(SEE STAFF NOTE BELOW)*

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.
07/01/14 – Project advertised and let for bidding
09/01/14 – Bids received and review begins.
11/01/14 – Contract awarded and Construction begins.
05/01/17 – Construction Completed and facility turned over to SCSO.

OTHER VARIANCES IN EFFECT
98-V-16, 95-V-08, 00-V-07, 13-V-02

STAFF INFORMATION AFTER SITE VISIT (DATE OF LAST VISIT TO FACILITY):
JANUARY 29, 2015.

ANY OPEN MINIMUM STANDARD VIOLATIONS:
See attached response assessment.
See attached letter regarding "Sprung" bathroom repairs.
See attached "Open/follow-up" standard evaluation.

ANY VIOLATIONS WHICH PERTAIN TO THE VARIANCE'S CONDITIONS:

JUSTIFICATION FOR WHY VARIANCE SHOULD OR SHOULD NOT BE EXTENDED:
THE COMMISSION HAS RECEIVED FROM SUFFOLK COUNTY OFFICIALS A PROPOSAL TO EXTEND THE TIMELINES OF "PHASE II" CONSTRUCTIONS FOR A PERIOD TO THREE YEARS. (SEE ATTACHED)

COMMISSION STAFF IS RECOMMENDING 60-DAYS APPROVAL TO BE ABLE TO REVIEW AND ASSESS THE PLAN SUBMITTED.

REVIEWED BY REGIONAL SUPERVISOR: [illegible] **DATE:** 3/9/15

[illegible] 3/9/15

OFFICIAL USE ONLY:

NOTES OF MEETING: _____

SUFFOLK COUNTY

COUNTY LEGISLATURE

THOMAS F. BARRAGA
LEGISLATOR, 11TH DISTRICT

187 SUNRISE HIGHWAY, SUITE C
WEST ISLIP, NEW YORK 11795
(631) 854-4100

FEB 10 2015

February 4, 2015

Thomas A. Beilein
Chairman of New York State Commission of Correction
Alfred E. Smith State Office Building
80 South Swan St. 12th Floor
Albany, NY 12210

Dear Chairman Beilein:

As it gets closer to Suffolk County having to build another jail, the clearer it becomes that the facility and its massive expense are unnecessary.

Since the amendments of New York's Rockefeller Drug Laws in 2009 with the elimination of mandatory prison sentences for some drug offenses, and the reduction of minimum sentence for others the number of inmates has trended downward. A state study on Suffolk's jail needs does date to 2004 when inmate population was on the rise and it was not unreasonable at that time to assume that a continuing upward trend once again.

Suffolk opened a modern 420-bed addition to its Yaphank facility last year. That brought the county's prisoner capacity up to 1,544 and the County has state-granted allowances, called variances, that permit it to host about 400 more prisoners. Yet in 2014, Suffolk averaged only 1,350 to 1,400 prisoners a day, according to Sheriff Vincent DiMarco, with a high of 1,550.

The State has demanded that Suffolk keep planning to build more unnecessary capacity, ordering that the County provide another 360 beds. That will cost the tax-payers $2 million in design fees budgeted for this year and $110 million for construction over the next three years-for a facility that might never be needed and certainly won't be necessary anytime soon.

The decline in jailhouse population isn't due to luck. Rather, it is part of a welcome local and national trend decreasing crime that is likely to continue. At the same time, the way the criminal justice system handles defendants yet to stand trial is also changing. In Suffolk, one of the biggest improvements is a growing program for supervised release of suspects awaiting trial that is far cheaper and more sensible than holding them. That and other diversion programs are getting addicts into treatment rather than jail and putting young people in positions to be rehabilitated rather than hardened.

Statewide, jails are being closed as criminal populations decline and lawmakers balk at funding them as job programs. Nationally, there is a movement toward loosening both the laws and sentencing guidelines for drug possession, especially marijuana. New sentencing guidelines are likely to drive jail populations down even further. The State ought to acknowledge this and free Suffolk County from this construction mandate.

Very truly yours,

Thomas F. Barraga

Thomas F. Barraga
Suffolk County Legislator

New York State Commission of Correction
Chairman Thomas A. Beilein

Memorandum

From: Chairman Thomas A. Beilein

Date: February 10, 2015

Access Number:

To: Jim Lawrence
Brian Callahan
Richard Kinney

Sender: Thomas F. Barraga, Suffolk County Legislator

Date Original Received:2/4/2015

Re: Construction Mandate

Document Description: Letter/Variance Applications

Chairman's Comments:

Routing Information

Regional Supervisor: Savoy

CC:

COUNTY OF SUFFOLK

FEB 24 2015

OFFICE OF THE SHERIFF

VINCENT F. DEMARCO
SHERIFF

February 13, 2015

Thomas A. Beilein
Chairman/Commissioner
New York State Commission of Correction
80 Wolfe Road, 4th Floor
Albany, New York 12203-3764

Dear Commissioner Beilein:

I have recieved the letter dated February 3, 2015 concerning conditions in the Stressed Membrane Structure labeled Dorm East and Dorm West.

The following actions are being taken to alleviate the condition of the windows in both of these housing areas:

- The Department of Public Works has been contacted and has inspected the window frames of both areas. The importance of rectifying this condition has been stressed and I have been assured the utmost attention will be paid to correction of same.

- A contractor, Austin Interiors, Inc., has been contacted and has visited the Yaphank Correctional Facility. We have been promised an expedited written estimate. This estimate will include both steel and aluminum replacement of the window frame options. DPW management has expressed their commitment to authorize this work in an expeditious manner.

- DPW staff has installed a temporary steel plate over the bottom of each window sill on the lavatory side. This measure will prevent inmate access to the section rusted through limiting access to any area that could be loosened providing material for weapon manufacture. Photographs of the windowsills are attached.

If there is any additional information that you need, please do not hesitate to contact me.

Sincerely,

Vincent F. DeMarco
Sheriff

cc: Undersheriff John Meyerricks
Undersheriff Joseph Caracappa
Charles Ewald, Warden

100 CENTER DRIVE
RIVERHEAD, NEW YORK 11901-3389
(631) 852-2200

New York State Commission of Correction
Chairman Thomas A. Beilein

Memorandum

From: Chairman Thomas A. Beilein TAB

Date: February 24, 2015

Access Number:

To: Jim Lawrence
Brian Callahan
Richard Kinney

Sender: Sheriff Vincent DeMarco

Agency: Suffolk County Sheriff's Office

Date Original Received: 02/13/15

Re:Stressed Membrane Structure

Document Description: Letter

Chairman's Comments:

Routing Information

Regional Supervisor: Benjamin, Savoy

CC:

Part 7002 – Admission - Yaphank Facility and Riverhead Facility
Section 7002.1 Policy

Original Commission Findings: It was explained to Commission staff the department is gearing up to start booking at the Yaphank facility. Commission staff has concerns with the ability of the agency to start the booking process at the Yaphank Facility and all of the Original Action Required below must be addressed prior to the start of the booking process at the Yaphank Facility.

Original Action Required: Prior to commencing bookings at the Yaphank facility the department needs to submit a comprehensive policy and procedure as well as a written plan for the admissions of inmates into the custody of the Sheriff's department at the Yaphank Facility. At a minimum, this plan must include the following items:

- **Staffing levels**
- **Post orders**
- **Prisoner Identification**
- **Identification staffing and equipment**
- **Medical protocols**
- **Identify Classification housing**
- **Identify what inmate will be booked at what facility (flow criteria)**
- **Inmate flow to and from court.**
- **New inmate processing as opposed to court return processing;**
- **Records retention, where and how**
- **Approved classification housing plan**
- **Any other relevant items**

Facility Response: ***Using your bulleted list:***

- **Identification Staffing and Equipment**
  At this time there is no plan to increase the staffing level of the Identification Section. The work load is not anticipated to increase; therefore, a reallocation of staff is the appropriate response. Equipment necessary to fulfill the duties of the Identification Techs is on site in the Yaphank Facility.

Response Assessment: Upon opening the Yaphank facility for processing newly admitted inmates into the facility Commission staff will be evaluating the staffing levels.

Status: Open

- **Medical protocols**
  Upon full staffing by the Medical Unit, currently anticipated as April, the medical protocols will not differentiate between facilities. It is projected that all medications will be available in both facilities, and any special needs housing will be determined by our Classification Unit, not by limited medical resources.

Response Assessment: This is addressed under the classification section of this report.

- **Identify Classification housing**
  Classification of housing units is a fluid operation and the current breakdown is attached as Appendix C.

Response Assessment: Upon opening the Yaphank facility for processing newly admitted inmates into the facility Commission staff will monitor the classification process.

Status: Open

- **Identify what inmate will be booked at what facility (flow criteria)**
  The booking of inmates will primarily be: Yaphank will book inmates arriving from the District Court in Central Islip. Inmates arriving from the east end Justice Courts and County Court in Riverhead will be booked in the Riverhead Facility. A flow chart is attached as Appendix D.

Response Assessment: Upon opening the Yaphank facility for processing newly admitted inmates into the facility Commission staff will continue to monitor the progress.

Status: Open

- **Approved classification housing plan**
  The approved classification housing plan is the utilization of the scoring instrument and compliance with minimum standards. Our current inmate population is at a low level allowing ample space for the Classification Unit to manage the housing areas comfortably.

Response Assessment: Upon opening the Yaphank for processing newly admitted inmates into the facility Commission staff will monitor the classification process.

Status: Open

Part 7002 – Admissions - Riverhead Facility
Section 7002.4(c)(1-4)(d)(1), Property confiscation

Original Commission Findings: Upon review of newly admitted inmate property forms, Commission staff noted that when new inmates are transferred from the department's Law Enforcement personnel to the Correctional staff, the Correctional staff does not receive a written inventory of the property from the Law Enforcement personnel.

Upon inquiry, Commission staff was informed that when a newly committed inmate's property is confiscated or accepted by the department's Law Enforcement personnel and subsequently transferred to Correctional staff, there is no inventory of the property completed by Law Enforcement personnel for the Correctional staff to review and verify. If Law Enforcement personnel accept the property from an outside agency, the written inventory documented by that agency is accepted by the Law Enforcement personnel and directly transferred to Correctional staff upon transport to the facility.

If the department's Law Enforcement personnel are the arresting agency, the inmate's property is not inventoried and documented until the inmate is transported to the facility, where a written inventory of property is then completed by Correctional staff. Subsequently, this creates the propensity for error and omission of the property being confiscated and then transferred.

Facility Response: None

Response Assessment: The department must put in place some type of chain of custody for both the prisoner's and their property from receiving the prisoner at the courts to the final custody of the correctional facility.

Status: OPEN.

Original Action Required: As required by this section, whenever property is confiscated and/or accepted by any departmental staff, the property shall be inventoried and recorded in writing. This shall include:

-the name of the prisoner;
-an itemization of each personal property item confiscated with an accurate description of such item;
-the date of confiscation, and
-the name and signature of the officer completing the inventory*.

***The prisoner shall verify by signing the inventory as being complete and accurate. If for any reason a prisoner is unable to do so, the inventory shall be witnessed by another staff member.**

Facility Response: *Inmate property will be inventoried and stored securely by the property officers upon receipt of any property.*

Response Assessment: The department must put in place some type of chain of custody for both the prisoner's and their property.

Status: Open

OPEN / FOLLOW-UP ISSUES AT SUFFOLK CORRECTIONAL FACILITY (MARCH 2015)

[redacted]

OPEN / FOLLOW-UP ISSUES AT SUFFOLK CORRECTIONAL FACILITY (MARCH 2015)

[redacted]

OPEN / FOLLOW-UP ISSUES AT SUFFOLK CORRECTIONAL FACILITY (MARCH 2015)

[redacted]

Part 7008 - Visitation
Part 7008 - Visitation - Riverhead and Yaphank Facilities

Commission Findings: During visits at the facility, Commission staff were informed inmates that are brought down to the visit area are being charged for a visit, against their two hours of visits per week, for visits even when the visitor does not show up to the visit.

Original Action Required: Inmates are entitled to at least two hours of visitation each week. Each visit shall be at least 30 minutes. The department shall discontinue counting visits against an inmate when the visitors do not show up for such visit.

> **Facility Response:** *The practice of counting a missed visit as one of the two received by inmates each week has been discontinued.*

Response assessment: Commission staff will continue to monitor this however this is considered closed at this point.

> **Status: Closed**

Part 7009 - Food Services – Riverhead Facility

Original Commission Findings: Commission staff observed the kitchen was in the process of upgrading the inventory board. Until such time as the inventory board is operational, Commission staff cannot ascertain the accuracy of the inventory of kitchen utensils.

Original Action Required: The department shall ensure that a complete and accurate inventory of kitchen utensils is maintained.

> **Facility Response:** *A directive has been issued requiring the kitchen staff to log the utensils in the kitchen. Attached as Appendix K.*

Response assessment: Commission staff will continue to monitor this however this is considered closed at this point.

> **Status: Closed**

Original Commission Findings: At the time of evaluation, Commission staff noticed that the facility was draining pasta on the floor over the floor drain system. Commission staff was informed that all of the colanders in the facility were broken at the time of the evaluation.

Original Action Required: The facility shall ensure that food is prepared in a clean and sanitary condition consistent with State Sanitary Code. The Commission requires that the facility contact the county health department and have the facility kitchen reevaluated with an eye toward kitchen sanitation and food preparation. Upon completion of the health inspection please forward the report to the Commission for review and comment.

Facility Response: *The Suffolk Department of Health Services conducted an inspection of the Riverhead Kitchen on 30 JAN 2014. Attached as Appendix L. All items identified have been remediated.*

Response assessment: Commission staff will continue to monitor.

Status: **Closed.**

Part 7010 - Health Services

Original Commission Findings: The Suffolk County Department of Health is currently working on a comprehensive list of services and staffing levels at both the Yaphank and the Riverhead facilities. The implementation of services at both facilities has been slow and is creating an issue with the implementation of several items at the facility to include classification, booking at the Yaphank facility, conducting sick call on the housing units etc.

Original Action Required: The facility must provide a comprehensive staffing list along with what services will be provided at what facility. The services being provided must not conflict with the requirements of 7013 classification.

Facility Response: *Dr. Geraci reports that the Health Department is aware of the needs of the Sheriff's Office for a seamlessness of service between facilities (with very few exceptions). It is the intent of the Medical Unit to have no impact on the Classification Unit and their placement of inmates. With the transition of personnel due to the closures of County Health Centers, staffing is expected to improve as staff transfers to the Correctional Facilities. The timeline described by Dr. Geraci is ASAP, with a realistic completion of April, including the training of transferring staff.*

Response assessment: Commission staff will continue to monitor this issue and direct a letter to the county executive and the health department. Efforts to address this matter have been going on for some time and the Yaphank facility has been open for over a year. Continued violations in this area may result in the Commission taking further action.

Status: **Open.**

Part 7013 – Classification

Original Commission Findings: The Classification Captain informed Commission staff the new classification policy and procedure is completed and the new classification and reclassification instruments are currently being used on a system wide basis. While conducting the evaluation of classification Commission staff noticed the facility is still utilizing a combination of the old system and the new system. This is due, in part, to Medical not allowing specific inmates to be housed at the Yaphank Facility. This in itself creates the facility to classify utilizing a formal and objective system and then utilize a subjective system without creating an override.

Original Action Required: The facility must classify inmates utilizing a formal and

objective classification system to assign primary house to those inmates that have completed the initial screen and classification process. The medical department cannot place precursors on the primary housing of inmates unless they recommend specifically 'not cleared for classification' then and only then may the Classification unit assign the inmate to Special housing pursuant to 7013.2(h).

Facility Response: *Discussion with your staff clarified this issue during the site visit. The issues confronting the Classification Unit due to the limited capabilities of the medical unit at the Yaphank Facility will dissipate with the full operation we believe will commence in April. The low inmate count has allowed the Classification Unit to manage inmate housing in a smooth and generally trouble free manner that is expected to improve when medical issues do not dictate housing decisions.*

Response assessment: Upon review, the facility is still in violation of classification and the same issue still persists. Furthermore a review of documentation dated June 12, 2014 showed 80 possible inmates that could by classification standards be housed in the Yaphank Facility however only 19 were approved by Medical staff due to medication issues or staffing issues. Continued violations with classification of inmates may cause the Commission to take further action.

Status: **Open.**

Part 7015 – Sanitation – Riverhead Facility

Original Commission's Findings: Many of the issues within the control of the facility administration such as daily cleaning, floor mopping, painting and garbage removal are all completed satisfactorily. The department continues to take great effort in maintaining the facilities in a clean condition, however there are issues that need prompt attention regarding some of the inmate cells. For example, Commission staff observed cloths lines made of torn bed sheets in numerous areas.

Original Action Required: The department needs to put in place a system of checks and balances whereby the inmates are held responsible for the destruction of county property and the general cleanliness of their cells.

Facility Response: *Staff has been reminded of the procedures delineating their responsibility for the enforcement of rules pertaining to this issue.*

Response assessment: A review of the sanitation issues of both the Riverhead and Yaphank Facility was conducted June 11-12, 2014. Again those issues in the control of the department were taken care of immediately however those issues such as broken toilets, showerheads not properly functioning are outside of the Sheriff's Departments authority and fall on DPW. In these instances there appeared to be an unacceptable delay. Maintenance staff assigned to the Sheriff's Department do not report directly to security staff, they report to a DPW supervisors. This in turn causes unnecessary delays in repairs and once again is outside the Sheriff's department control.

Original Action Required: The Commission is requesting that a DIRECT CHAIN of authority

be established from the DPW Maintenance staff assigned to work at the correctional facilities to the Warden of the facility. Failure to create such a chain of command in this area will leave the Commission no other choice but to mandate this in the staffing analysis.

Status Open

Part 7016 – Commissary

Original Commission Findings: Pursuant to Part 7016 (d), 'definite arrangements shall be made for periodic audit of the commissary accounts by the office of county auditor, county treasurer or other county officer in a similar capacity'. Upon inquiry for the most recent facility commissary audit report, Commission staff were given an audit dated 2003 but also informed that the county completed an audit of the commissary 'almost two years ago' however has not received any notification of their findings.

Original Action Required: Pursuant to 7016.1, the definite arrangements shall be made for the periodic audit of the commissary accounts by the office of the county auditor, county treasurer and other county officer in a similar capacity.

Facility Response: *Deputy Warden Franchi has contacted the auditors in an attempt to clarify when we will receive the report of the completed audit. We have been told that we should expect the report sometime this year.*

Response assessment: Please forward the commission a copy of the report upon completion.

Status: Open.

Original Commission Findings: Profits resulting from commissary sales shall be deposited in a separate bank account and shall be utilized **only** for purposes of prisoner welfare and rehabilitation. A review of expenditures from the Suffolk County Commissary Account have raised some question for the Commission, therefore those expenditures have been forwarded to the New York State Comptroller for review and comment.

Facility Response: *I have directed that all future barbershop supplies be purchased through the use of county operating funds.*

Status: Closed

Part 7017 – Personnel Standards
Section 7017.1, Training - Riverhead and Yaphank Facilities

Original Commission Findings: The facility does require newly hired civilian workers and volunteers to attend a safety orientation program upon their hiring. However, there is no documentation maintained to verify that newly hired civilians completed the program.

Recommendation: The facility should maintain documentation that all civilians have completed the facility safety orientation program following their hire and maintain such on file within the facility.

Facility Response: *The Internal Security Unit will amend their computerized database for civilian employees and volunteers to include their dates of clearance/hire and the date that they received their security orientation class.*

Status: Closed

[redacted]

Part 7039 – Fire Prevention and Safety - Riverhead Facility
Section 7039.3, Fire prevention code requirements

Original Commission Findings: While touring throughout the facility, Commission staff observed numerous fire extinguishers that did not reflect current inspections. This included a fire extinguisher located in the CERT trailer (which stores the military-grade chemical agents) that had a tag affixed dated the year 1999.

Original Action Required: As required by this Part, the facility shall ensure that all fire extinguishers are inspected regularly and that the extinguisher inspection tags reflect such. In addition, the facility shall remove all outdated extinguishers for repair or replacement.

Facility Response: *While reviewing this issue it became apparent that, with the exception of the fire extinguisher in the SERT trailer, all the fire extinguishers are currently inspected and current. The county provides for annual inspections of all fire suppression equipment by an outside vendor. This includes the extinguishers in the correctional facilities. The tags provided by this vendor indicate the date of service and are valid for one year from the date of service. Commission staff seems to*

have interpreted the date shown as the expiration and not the date of service. I have attached a copy of a tag as Appendix O showing this.

Response assessment: Commission staff will continue to monitor this issue.

Status: Closed.

Section 7039.4, Fire and safety inspections

Original Commission Findings: Upon request for documentation regarding the previous annual facility fire inspection, the facility could only provide Commission staff with documentation dated the year 2008. However, upon inquiry, the facility administration informed Commission staff that annual inspections have been conducted, with the most recent being conducted in March of this year, and with a current inspection slated for October, 2013. The facility did produce documentation confirming an October 11, 2013 appointment with a representative from the Suffolk County Department of Fire and Rescue to conduct the annual fire safety inspection.

Original Action Required: The facility shall maintain documentation within the facility confirming that annual fire safety inspections are conducted and be able to produce a copy of such upon demand. The documentation shall include the steps taken, or to be taken, to correct any deficiencies found during the inspections.

Facility Response: *While reviewing this issue it became apparent that, with the exception of the fire extinguisher in the SERT trailer, all the fire extinguishers are currently inspected and current. The county provides for annual inspections of all fire suppression equipment by an outside vendor. This includes the extinguishers in the correctional facilities. The tags provided by this vendor indicate the date of service and are valid for one year from the date of service. Commission staff seems to have interpreted the date shown as the expiration and not the date of service. I have attached a copy of a tag as Appendix O showing this.*

Status: Open

Section 7039.5, Fire prevention and safety practices and training

Original Commission Findings: Upon inquiry, Commission staff was informed that currently there is only one officer assigned to conduct the weekly fire safety inspections at the Riverhead Facility. This one officer is also responsible for conducting the weekly inspections at the Yaphank Facility as well. Commission staff was informed that the secondary officer responsible for the inspections (should the primary officer be unavailable) had recently been reassigned and is no longer responsible for the inspections as a secondary officer.

Original Action Required: The facility shall appoint secondary officer(s) to conduct the weekly fire safety inspections at the Riverhead and Yaphank facilities should the primary officer be unavailable. The officer(s) appointed must have successfully completed a fire protection seminar approved by the Office of Fire Prevention and Control.

Facility Response: *The annual Fire Inspection has been completed and we are awaiting the written report. Upon receipt we will forward a copy to the commission and begin the necessary corrective action.*

Response assessment: Commission staff will continue to monitor this issue and it will remain open pending receipt of a copy of the annual fire inspection.

Status: Open.

Recommendation: In addition to appointing at least one secondary officer to conduct the inspections at the Riverhead Facility, the facility should consider appointing separate primary and secondary officers to conduct the weekly inspections at the Yaphank Facility.

Facility Response: *The filling of a permanent Fire Safety Officer for the correctional facility at Yaphank is imminent.*

Response assessment: Commission staff will continue to monitor this issue.

Status: Closed.

Original Commission Findings: Upon review of the weekly fire safety inspections, Commission staff noted that any deficiencies found during the inspections and the subsequent corrective action taken to address such was not being documented. Upon inquiry, Commission staff was informed that most deficiencies were addressed via phone to the facility maintenance department.

However, the facility produced a copy of the 'Facilities Repair/Maintenance Request Form' which had already been developed, but was not currently being utilized. Prior to the end of the evaluation, Commission staff was informed that this form would again be utilized from now on.

Original Action Required: The facility shall ensure that all deficiencies found during weekly fire safety inspections are documented, along with the actions taken, or to be taken, to address such.

Facility Response: *The Fire Safety Officer has implemented two new forms to document his activities. We have developed a Facility Inspection Guide Form that identifies the task that he performs during his inspections of the facilities. This is attached as Appendix P. Additionally; this officer will log all calls for service on a spreadsheet to identify dates of remediation after he is notified of a deficiency.*

RESPONSE ASSESSMENT: Commission staff will continue to monitor this however this is considered closed at this point.

Status: Closed

Part 7063 – Chemical Agents - Riverhead Facility
Section 7063.4, Use of chemical agents

Note: Due to time constraints during the evaluation, Commission staff was unable to ascertain the status of the facility health services staff in regards to the required training needed to treat those persons who have been exposed to chemical agents. In addition, this Part requires the facility to have a policy and procedure in place for prior notification to the health services staff for those persons who may be adversely affected by chemical agents prior to a planned use. As a result, these issues will be addressed during the next scheduled on-site evaluation.

> **Facility Response:** *The majority of the county nurses have been trained and the nursing supervisor has been contacted to ensure that this training is maintained for any new nurses beginning work at the correctional facilities.*

Response assessment: Commission staff will continue to monitor this however this is considered closed at this point.

Status: Closed

[redacted]

OPEN / FOLLOW-UP ISSUES AT SUFFOLK CORRECTIONAL FACILITY (MARCH 2015)

[redacted]

OPEN / FOLLOW-UP ISSUES AT SUFFOLK CORRECTIONAL FACILITY (MARCH 2015)

[redacted]

OPEN / FOLLOW-UP ISSUES AT SUFFOLK CORRECTIONAL FACILITY (MARCH 2015)

[redacted]

OPEN / FOLLOW-UP ISSUES AT SUFFOLK CORRECTIONAL FACILITY (MARCH 2015)

[redacted]

OPEN / FOLLOW-UP ISSUES AT SUFFOLK CORRECTIONAL FACILITY (MARCH 2015)

[redacted]

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: March 19, 2014 **Length of Approval: 1** Year Expiration: April 1, 2015

Write-up Prepared by: Chester Martinez

Recommendation by Field Staff: Approve for 2 **Months**

SUMMARY OF VARIANCE REQUEST

Requesting authorzation to utlize 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.

VARIANCE HISTORY See Attached

Current Information:

The 2015 IFP will consist of a follow-up on open issues, monitoring of Bid Package "E" and the monitoring of the potential reduction in variance beds.

BID PACKAGE E: Approved by the Commission on 2/18/15 meeting.

CONSTRUCTION/RENOVATION PLANS

Phase II (Additional Housing – 360 Beds): *(SEE STAFF NOTE BELOW)*

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.
07/01/14 – Project advertised and let for bidding
09/01/14 – Bids received and review begins.
11/01/14 – Contract awarded and Construction begins.
05/01/17 – Construction Completed and facility turned over to SCSO.

OTHER VARIANCES IN EFFECT

98-V-16, 95-V-08, 00-V-07, 13-V-02

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

JANUARY 29, 2015.

ANY OPEN MINIMUM STANDARD VIOLATIONS:

See attached response assessment.
See attached letter regarding "Sprung" bathroom repairs.
See attached "Open/follow-up" standard evaluation.

ANY VIOLATIONS WHICH PERTAIN TO THE VARIANCE'S CONDITIONS:

JUSTIFICATION FOR WHY VARIANCE SHOULD OR SHOULD NOT BE EXTENDED:

THE COMMISSION HAS RECEIVED FROM SUFFOLK COUNTY OFFICIALS A PROPOSAL TO EXTEND THE TIMELINES OF "PHASE II" CONSTRUCTIONS FOR A PERIOD TO THREE YEARS. (SEE ATTACHED)

COMMISSION STAFF IS RECOMMENDING 60-DAYS APPROVAL TO BE ABLE TO REVIEW AND ASSESS THE PLAN SUBMITTED.

REVIEWED BY REGIONAL SUPERVISOR: **DATE:** 3/9/15

OFFICIAL USE ONLY:

NOTES OF MEETING: _____

SUFFOLK COUNTY

FEB 10 2015

BY: .....

COUNTY LEGISLATURE

THOMAS F. BARRAGA
LEGISLATOR, 11TH DISTRICT

187 SUNRISE HIGHWAY, SUITE C
WEST ISLIP, NEW YORK 11795
(631) 854-4100

February 4, 2015

Thomas A. Beilein
Chairman of New York State Commission of Correction
Alfred E. Smith State Office Building
80 South Swan St. 12th Floor
Albany, NY 12210

Dear Chairman Beilein:

As it gets closer to Suffolk County having to build another jail, the clearer it becomes that the facility and its massive expense are unnecessary.

Since the amendments of New York's Rockefeller Drug Laws in 2009 with the elimination of mandatory prison sentences for some drug offenses, and the reduction of minimum sentence for others the number of inmates has trended downward. A state study on Suffolk's jail needs does date to 2004 when inmate population was on the rise and it was not unreasonable at that time to assume that a continuing upward trend once again.

Suffolk opened a modern 420-bed addition to its Yaphank facility last year. That brought the county's prisoner capacity up to 1,544 and the County has state-granted allowances, called variances, that permit it to host about 400 more prisoners. Yet in 2014, Suffolk averaged only 1,350 to 1,400 prisoners a day, according to Sheriff Vincent DiMarco, with a high of 1,550.

The State has demanded that Suffolk keep planning to build more unnecessary capacity, ordering that the County provide another 360 beds. That will cost the tax-payers $2 million in design fees budgeted for this year and $110 million for construction over the next three years-for a facility that might never be needed and certainly won't be necessary anytime soon.

The decline in jailhouse population isn't due to luck. Rather, it is part of a welcome local and national trend decreasing crime that is likely to continue. At the same time, the way the criminal justice system handles defendants yet to stand trial is also changing. In Suffolk, one of the biggest improvements is a growing program for supervised release of suspects awaiting trial that is far cheaper and more sensible than holding them. That and other diversion programs are getting addicts into treatment rather than jail and putting young people in positions to be rehabilitated rather than hardened.

Statewide, jails are being closed as criminal populations decline and lawmakers balk at funding them as job programs. Nationally, there is a movement toward loosening both the laws and sentencing guidelines for drug possession, especially marijuana. New sentencing guidelines are likely to drive jail populations down even further. The State ought to acknowledge this and free Suffolk County from this construction mandate.

Very truly yours,

Thomas F. Barraga

Thomas F. Barraga
Suffolk County Legislator

New York State Commission of Correction
Chairman Thomas A. Beilein

Memorandum

From: Chairman Thomas A. Beilein

Date: February 10, 2015

Access Number:

To: Jim Lawrence
Brian Callahan
Richard Kinney

Sender: Thomas F. Barraga, Suffolk County Legislator

Date Original Received:2/4/2015

Re: Construction Mandate

Document Description: Letter/Variance Applications

Chairman's Comments:

Routing Information

Regional Supervisor: Savoy

CC:

COUNTY OF SUFFOLK

FEB 24 2015

OFFICE OF THE SHERIFF

VINCENT F. DEMARCO
SHERIFF

February 13, 2015

Thomas A. Beilein
Chairman/Commissioner
New York State Commission of Correction
80 Wolfe Road, 4th Floor
Albany, New York 12203-3764

Dear Commissioner Beilein:

I have recieved the letter dated February 3, 2015 concerning conditions in the Stressed Membrane Structure labeled Dorm East and Dorm West.

The following actions are being taken to alleviate the condition of the windows in both of these housing areas:

- The Department of Public Works has been contacted and has inspected the window frames of both areas. The importance of rectifying this condition has been stressed and I have been assured the utmost attention will be paid to correction of same.

- A contractor, Austin Interiors, Inc., has been contacted and has visited the Yaphank Correctional Facility. We have been promised an expedited written estimate. This estimate will include both steel and aluminum replacement of the window frame options. DPW management has expressed their commitment to authorize this work in an expeditious manner.

- DPW staff has installed a temporary steel plate over the bottom of each window sill on the lavatory side. This measure will prevent inmate access to the section rusted through limiting access to any area that could be loosened providing material for weapon manufacture. Photographs of the windowsills are attached.

If there is any additional information that you need, please do not hesitate to contact me.

Sincerely,

Vincent F. DeMarco
Sheriff

cc: Undersheriff John Meyerricks
Undersheriff Joseph Caracappa
Charles Ewald, Warden

100 CENTER DRIVE
RIVERHEAD, NEW YORK 11901-3389
(631) 852-2200

New York State Commission of Correction
Chairman Thomas A. Beilein

Memorandum

From: Chairman Thomas A. Beilein TAB

Date: February 24, 2015

Access Number:

To: Jim Lawrence
Brian Callahan
Richard Kinney

Sender: Sheriff Vincent DeMarco

Agency: Suffolk County Sheriff's Office

Date Original Received: 02/13/15

Re:Stressed Membrane Structure

Document Description: Letter

Chairman's Comments:

Routing Information

Regional Supervisor: Benjamin, Savoy

CC:

Part 7002 – Admission - Yaphank Facility and Riverhead Facility
Section 7002.1 Policy

Original Commission Findings: It was explained to Commission staff the department is gearing up to start booking at the Yaphank facility. Commission staff has concerns with the ability of the agency to start the booking process at the Yaphank Facility and all of the Original Action Required below must be addressed prior to the start of the booking process at the Yaphank Facility.

Original Action Required: Prior to commencing bookings at the Yaphank facility the department needs to submit a comprehensive policy and procedure as well as a written plan for the admissions of inmates into the custody of the Sheriff's department at the Yaphank Facility. At a minimum, this plan must include the following items:

- **Staffing levels**
- **Post orders**
- **Prisoner Identification**
- **Identification staffing and equipment**
- **Medical protocols**
- **Identify Classification housing**
- **Identify what inmate will be booked at what facility (flow criteria)**
- **Inmate flow to and from court.**
- **New inmate processing as opposed to court return processing;**
- **Records retention, where and how**
- **Approved classification housing plan**
- **Any other relevant items**

Facility Response: ***Using your bulleted list:***

- **Identification Staffing and Equipment**
  At this time there is no plan to increase the staffing level of the Identification Section. The work load is not anticipated to increase; therefore, a reallocation of staff is the appropriate response. Equipment necessary to fulfill the duties of the Identification Techs is on site in the Yaphank Facility.

Response Assessment: Upon opening the Yaphank facility for processing newly admitted inmates into the facility Commission staff will be evaluating the staffing levels.

Status: Open

- **Medical protocols**
  Upon full staffing by the Medical Unit, currently anticipated as April, the medical protocols will not differentiate between facilities. It is projected that all medications will be available in both facilities, and any special needs housing will be determined by our Classification Unit, not by limited medical resources.

Response Assessment: This is addressed under the classification section of this report.

- **Identify Classification housing**
  Classification of housing units is a fluid operation and the current breakdown is attached as Appendix C.

Response Assessment: Upon opening the Yaphank facility for processing newly admitted inmates into the facility Commission staff will monitor the classification process.

Status: Open

- **Identify what inmate will be booked at what facility (flow criteria)**
  The booking of inmates will primarily be: Yaphank will book inmates arriving from the District Court in Central Islip. Inmates arriving from the east end Justice Courts and County Court in Riverhead will be booked in the Riverhead Facility. A flow chart is attached as Appendix D.

Response Assessment: Upon opening the Yaphank facility for processing newly admitted inmates into the facility Commission staff will continue to monitor the progress.

Status: Open

- **Approved classification housing plan**
  The approved classification housing plan is the utilization of the scoring instrument and compliance with minimum standards. Our current inmate population is at a low level allowing ample space for the Classification Unit to manage the housing areas comfortably.

Response Assessment: Upon opening the Yaphank for processing newly admitted inmates into the facility Commission staff will monitor the classification process.

Status: Open

Part 7002 – Admissions - Riverhead Facility
Section 7002.4(c)(1-4)(d)(1), Property confiscation

Original Commission Findings: Upon review of newly admitted inmate property forms, Commission staff noted that when new inmates are transferred from the department's Law Enforcement personnel to the Correctional staff, the Correctional staff does not receive a written inventory of the property from the Law Enforcement personnel.

Upon inquiry, Commission staff was informed that when a newly committed inmate's property is confiscated or accepted by the department's Law Enforcement personnel and subsequently transferred to Correctional staff, there is no inventory of the property completed by Law Enforcement personnel for the Correctional staff to review and verify. If Law Enforcement personnel accept the property from an outside agency, the written inventory documented by that agency is accepted by the Law Enforcement personnel and directly transferred to Correctional staff upon transport to the facility.

If the department's Law Enforcement personnel are the arresting agency, the inmate's property is not inventoried and documented until the inmate is transported to the facility, where a written inventory of property is then completed by Correctional staff. Subsequently, this creates the propensity for error and omission of the property being confiscated and then transferred.

Facility Response: None

Response Assessment: The department must put in place some type of chain of custody for both the prisoner's and their property from receiving the prisoner at the courts to the final custody of the correctional facility.

Status: OPEN.

Original Action Required: As required by this section, whenever property is confiscated and/or accepted by any departmental staff, the property shall be inventoried and recorded in writing. This shall include:

-the name of the prisoner;
-an itemization of each personal property item confiscated with an accurate description of such item;
-the date of confiscation, and
-the name and signature of the officer completing the inventory*.

***The prisoner shall verify by signing the inventory as being complete and accurate. If for any reason a prisoner is unable to do so, the inventory shall be witnessed by another staff member.**

Facility Response: *Inmate property will be inventoried and stored securely by the property officers upon receipt of any property.*

Response Assessment: The department must put in place some type of chain of custody for both the prisoner's and their property.

Status: Open

OPEN / FOLLOW-UP ISSUES AT SUFFOLK CORRECTIONAL FACILITY (MARCH 2015)

[redacted]

OPEN / FOLLOW-UP ISSUES AT SUFFOLK CORRECTIONAL FACILITY (MARCH 2015)

[redacted]

OPEN / FOLLOW-UP ISSUES AT SUFFOLK CORRECTIONAL FACILITY (MARCH 2015)

[redacted]

Part 7008 - Visitation
Part 7008 - Visitation - Riverhead and Yaphank Facilities

Commission Findings: During visits at the facility, Commission staff were informed inmates that are brought down to the visit area are being charged for a visit, against their two hours of visits per week, for visits even when the visitor does not show up to the visit.

Original Action Required: Inmates are entitled to at least two hours of visitation each week. Each visit shall be at least 30 minutes. The department shall discontinue counting visits against an inmate when the visitors do not show up for such visit.

> **Facility Response:** *The practice of counting a missed visit as one of the two received by inmates each week has been discontinued.*

Response assessment: Commission staff will continue to monitor this however this is considered closed at this point.

> **Status: Closed**

Part 7009 - Food Services – Riverhead Facility

Original Commission Findings: Commission staff observed the kitchen was in the process of upgrading the inventory board. Until such time as the inventory board is operational, Commission staff cannot ascertain the accuracy of the inventory of kitchen utensils.

Original Action Required: The department shall ensure that a complete and accurate inventory of kitchen utensils is maintained.

> **Facility Response:** *A directive has been issued requiring the kitchen staff to log the utensils in the kitchen. Attached as Appendix K.*

Response assessment: Commission staff will continue to monitor this however this is considered closed at this point.

> **Status: Closed**

Original Commission Findings: At the time of evaluation, Commission staff noticed that the facility was draining pasta on the floor over the floor drain system. Commission staff was informed that all of the colanders in the facility were broken at the time of the evaluation.

Original Action Required: The facility shall ensure that food is prepared in a clean and sanitary condition consistent with State Sanitary Code. The Commission requires that the facility contact the county health department and have the facility kitchen reevaluated with an eye toward kitchen sanitation and food preparation. Upon completion of the health inspection please forward the report to the Commission for review and comment.

Facility Response: *The Suffolk Department of Health Services conducted an inspection of the Riverhead Kitchen on 30 JAN 2014. Attached as Appendix L. All items identified have been remediated.*

Response assessment: Commission staff will continue to monitor.

Status: **Closed.**

Part 7010 - Health Services

Original Commission Findings: The Suffolk County Department of Health is currently working on a comprehensive list of services and staffing levels at both the Yaphank and the Riverhead facilities. The implementation of services at both facilities has been slow and is creating an issue with the implementation of several items at the facility to include classification, booking at the Yaphank facility, conducting sick call on the housing units etc.

Original Action Required: The facility must provide a comprehensive staffing list along with what services will be provided at what facility. The services being provided must not conflict with the requirements of 7013 classification.

Facility Response: *Dr. Geraci reports that the Health Department is aware of the needs of the Sheriff's Office for a seamlessness of service between facilities (with very few exceptions) . It is the intent of the Medical Unit to have no impact on the Classification Unit and their placement of inmates. With the transition of personnel due to the closures of County Health Centers, staffing is expected to improve as staff transfers to the Correctional Facilities. The timeline described by Dr. Geraci is ASAP, with a realistic completion of April, including the training of transferring staff.*

Response assessment: Commission staff will continue to monitor this issue and direct a letter to the county executive and the health department. Efforts to address this matter have been going on for some time and the Yaphank facility has been open for over a year. Continued violations in this area may result in the Commission taking further action.

Status: **Open.**

Part 7013 – Classification

Original Commission Findings: The Classification Captain informed Commission staff the new classification policy and procedure is completed and the new classification and reclassification instruments are currently being used on a system wide basis. While conducting the evaluation of classification Commission staff noticed the facility is still utilizing a combination of the old system and the new system. This is due, in part, to Medical not allowing specific inmates to be housed at the Yaphank Facility. This in itself creates the facility to classify utilizing a formal and objective system and then utilize a subjective system without creating an override.

Original Action Required: The facility must classify inmates utilizing a formal and

objective classification system to assign primary house to those inmates that have completed the initial screen and classification process. The medical department cannot place precursors on the primary housing of inmates unless they recommend specifically 'not cleared for classification' then and only then may the Classification unit assign the inmate to Special housing pursuant to 7013.2(h).

Facility Response: *Discussion with your staff clarified this issue during the site visit. The issues confronting the Classification Unit due to the limited capabilities of the medical unit at the Yaphank Facility will dissipate with the full operation we believe will commence in April. The low inmate count has allowed the Classification Unit to manage inmate housing in a smooth and generally trouble free manner that is expected to improve when medical issues do not dictate housing decisions.*

Response assessment: Upon review, the facility is still in violation of classification and the same issue still persists. Furthermore a review of documentation dated June 12, 2014 showed 80 possible inmates that could by classification standards be housed in the Yaphank Facility however only 19 were approved by Medical staff due to medication issues or staffing issues. Continued violations with classification of inmates may cause the Commission to take further action.

Status: **Open.**

Part 7015 – Sanitation – Riverhead Facility

Original Commission's Findings: Many of the issues within the control of the facility administration such as daily cleaning, floor mopping, painting and garbage removal are all completed satisfactorily. The department continues to take great effort in maintaining the facilities in a clean condition, however there are issues that need prompt attention regarding some of the inmate cells. For example, Commission staff observed cloths lines made of torn bed sheets in numerous areas.

Original Action Required: The department needs to put in place a system of checks and balances whereby the inmates are held responsible for the destruction of county property and the general cleanliness of their cells.

Facility Response: *Staff has been reminded of the procedures delineating their responsibility for the enforcement of rules pertaining to this issue.*

Response assessment: A review of the sanitation issues of both the Riverhead and Yaphank Facility was conducted June 11-12, 2014. Again those issues in the control of the department were taken care of immediately however those issues such as broken toilets, showerheads not properly functioning are outside of the Sheriff's Departments authority and fall on DPW. In these instances there appeared to be an unacceptable delay. Maintenance staff assigned to the Sheriff's Department do not report directly to security staff, they report to a DPW supervisors. This in turn causes unnecessary delays in repairs and once again is outside the Sheriff's department control.

Original Action Required: The Commission is requesting that a DIRECT CHAIN of authority

be established from the DPW Maintenance staff assigned to work at the correctional facilities to the Warden of the facility. Failure to create such a chain of command in this area will leave the Commission no other choice but to mandate this in the staffing analysis.

Status Open

Part 7016 – Commissary

Original Commission Findings: Pursuant to Part 7016 (d), 'definite arrangements shall be made for periodic audit of the commissary accounts by the office of county auditor, county treasurer or other county officer in a similar capacity'. Upon inquiry for the most recent facility commissary audit report, Commission staff were given an audit dated 2003 but also informed that the county completed an audit of the commissary 'almost two years ago' however has not received any notification of their findings.

Original Action Required: Pursuant to 7016.1, the definite arrangements shall be made for the periodic audit of the commissary accounts by the office of the county auditor, county treasurer and other county officer in a similar capacity.

Facility Response: *Deputy Warden Franchi has contacted the auditors in an attempt to clarify when we will receive the report of the completed audit. We have been told that we should expect the report sometime this year.*

Response assessment: Please forward the commission a copy of the report upon completion.

Status: Open.

Original Commission Findings: Profits resulting from commissary sales shall be deposited in a separate bank account and shall be utilized **only** for purposes of prisoner welfare and rehabilitation. A review of expenditures from the Suffolk County Commissary Account have raised some question for the Commission, therefore those expenditures have been forwarded to the New York State Comptroller for review and comment.

Facility Response: *I have directed that all future barbershop supplies be purchased through the use of county operating funds.*

Status: Closed

Part 7017 – Personnel Standards
Section 7017.1, Training - Riverhead and Yaphank Facilities

Original Commission Findings: The facility does require newly hired civilian workers and volunteers to attend a safety orientation program upon their hiring. However, there is no documentation maintained to verify that newly hired civilians completed the program.

Recommendation: The facility should maintain documentation that all civilians have completed the facility safety orientation program following their hire and maintain such on file within the facility.

Facility Response: *The Internal Security Unit will amend their computerized database for civilian employees and volunteers to include their dates of clearance/hire and the date that they received their security orientation class.*

Status: Closed

Part 7039 – Fire Prevention and Safety - Riverhead Facility
Section 7039.3, Fire prevention code requirements

Original Commission Findings: While touring throughout the facility, Commission staff observed numerous fire extinguishers that did not reflect current inspections. This included a fire extinguisher located in the CERT trailer (which stores the military-grade chemical agents) that had a tag affixed dated the year 1999.

Original Action Required: As required by this Part, the facility shall ensure that all fire extinguishers are inspected regularly and that the extinguisher inspection tags reflect such. In addition, the facility shall remove all outdated extinguishers for repair or replacement.

Facility Response: *While reviewing this issue it became apparent that, with the exception of the fire extinguisher in the SERT trailer, all the fire extinguishers are currently inspected and current. The county provides for annual inspections of all fire suppression equipment by an outside vendor. This includes the extinguishers in the correctional facilities. The tags provided by this vendor indicate the date of service and are valid for one year from the date of service. Commission staff seems to*

have interpreted the date shown as the expiration and not the date of service. I have attached a copy of a tag as Appendix O showing this.

Response assessment: Commission staff will continue to monitor this issue.

Status: Closed.

Section 7039.4, Fire and safety inspections

Original Commission Findings: Upon request for documentation regarding the previous annual facility fire inspection, the facility could only provide Commission staff with documentation dated the year 2008. However, upon inquiry, the facility administration informed Commission staff that annual inspections have been conducted, with the most recent being conducted in March of this year, and with a current inspection slated for October, 2013. The facility did produce documentation confirming an October 11, 2013 appointment with a representative from the Suffolk County Department of Fire and Rescue to conduct the annual fire safety inspection.

Original Action Required: The facility shall maintain documentation within the facility confirming that annual fire safety inspections are conducted and be able to produce a copy of such upon demand. The documentation shall include the steps taken, or to be taken, to correct any deficiencies found during the inspections.

Facility Response: *While reviewing this issue it became apparent that, with the exception of the fire extinguisher in the SERT trailer, all the fire extinguishers are currently inspected and current. The county provides for annual inspections of all fire suppression equipment by an outside vendor. This includes the extinguishers in the correctional facilities. The tags provided by this vendor indicate the date of service and are valid for one year from the date of service. Commission staff seems to have interpreted the date shown as the expiration and not the date of service. I have attached a copy of a tag as Appendix O showing this.*

Status: Open

Section 7039.5, Fire prevention and safety practices and training

Original Commission Findings: Upon inquiry, Commission staff was informed that currently there is only one officer assigned to conduct the weekly fire safety inspections at the Riverhead Facility. This one officer is also responsible for conducting the weekly inspections at the Yaphank Facility as well. Commission staff was informed that the secondary officer responsible for the inspections (should the primary officer be unavailable) had recently been reassigned and is no longer responsible for the inspections as a secondary officer.

Original Action Required: The facility shall appoint secondary officer(s) to conduct the weekly fire safety inspections at the Riverhead and Yaphank facilities should the primary officer be unavailable. The officer(s) appointed must have successfully completed a fire protection seminar approved by the Office of Fire Prevention and Control.

Facility Response: *The annual Fire Inspection has been completed and we are awaiting the written report. Upon receipt we will forward a copy to the commission and begin the necessary corrective action.*

Response assessment: Commission staff will continue to monitor this issue and it will remain open pending receipt of a copy of the annual fire inspection.

Status: Open.

Recommendation: In addition to appointing at least one secondary officer to conduct the inspections at the Riverhead Facility, the facility should consider appointing separate primary and secondary officers to conduct the weekly inspections at the Yaphank Facility.

Facility Response: *The filling of a permanent Fire Safety Officer for the correctional facility at Yaphank is imminent.*

Response assessment: Commission staff will continue to monitor this issue.

Status: Closed.

Original Commission Findings: Upon review of the weekly fire safety inspections, Commission staff noted that any deficiencies found during the inspections and the subsequent corrective action taken to address such was not being documented. Upon inquiry, Commission staff was informed that most deficiencies were addressed via phone to the facility maintenance department.

However, the facility produced a copy of the 'Facilities Repair/Maintenance Request Form' which had already been developed, but was not currently being utilized. Prior to the end of the evaluation, Commission staff was informed that this form would again be utilized from now on.

Original Action Required: The facility shall ensure that all deficiencies found during weekly fire safety inspections are documented, along with the actions taken, or to be taken, to address such.

Facility Response: *The Fire Safety Officer has implemented two new forms to document his activities. We have developed a Facility Inspection Guide Form that identifies the task that he performs during his inspections of the facilities. This is attached as Appendix P. Additionally; this officer will log all calls for service on a spreadsheet to identify dates of remediation after he is notified of a deficiency.*

RESPONSE ASSESSMENT: Commission staff will continue to monitor this however this is considered closed at this point.

Status: Closed

OPEN / FOLLOW-UP ISSUES AT SUFFOLK CORRECTIONAL FACILITY (MARCH 2015)

[redacted]

OPEN / FOLLOW-UP ISSUES AT SUFFOLK CORRECTIONAL FACILITY (MARCH 2015)

[redacted]

OPEN / FOLLOW-UP ISSUES AT SUFFOLK CORRECTIONAL FACILITY (MARCH 2015)

[redacted]

OPEN / FOLLOW-UP ISSUES AT SUFFOLK CORRECTIONAL FACILITY (MARCH 2015)

[redacted]

OPEN / FOLLOW-UP ISSUES AT SUFFOLK CORRECTIONAL FACILITY (MARCH 2015)

[redacted]

OPEN / FOLLOW-UP ISSUES AT SUFFOLK CORRECTIONAL FACILITY (MARCH 2015)

[redacted]

All Variances History

Monday, March 09, 2015
8:17:41 AM

Jurisdiction	Number	ID	Standard Number	Expires	Meeting Date	Open/Closed	Action taken	Length of appro
Suffolk Riverhead								
	00-V-07							
		362	7040.3 Facility population limitation	4/1/2015	3/17/2015	Open		
		303	7040.3 Facility population limitation	4/1/2014	3/18/2014	Closed	Approve	12 Months
		295	7040.3 Facility population limitation	4/1/2013	3/19/2013	Closed	Approve	12 Months
		274	7040.3 Facility population limitation	3/1/2013	2/19/2013	Closed	Approve	01 Month
		254	7040.3 Facility population limitation	11/1/2012	10/16/2012	Closed	Approve	04 Months
		248	7040.3 Facility population limitation	8/1/2012	7/17/2012	Closed	Approve	03 Months
		229	7040.3 Facility population limitation	7/1/2012	6/19/2012	Closed	Approve	01 Month
		213	7040.3 Facility population limitation	5/1/2012	4/17/2012	Closed	Approve	02 Months
		187	7040.3 Facility population limitation	2/1/2012	1/18/2012	Closed	Approve	03 Months

Jurisdiction	Number	ID	Standard Number	Expires	Meeting Date	Open/Closed	Action taken	Length of appro
		179	7040.3 Facility population limitation	12/1/2011	.1/15/2011	Closed	Approve	02 Mon
		142	7040.3 Facility population limitation	11/1/2011	10/18/2011	Closed	Approve	01 Month
		131	7040.3 Facility population limitation	6/1/2011	5/17/2011	Closed	Approve	
		133	7040.3 Facility population limitation	4/1/2011	3/15/2011	Open	Blank	
		95	7040.3 Facility population limitation	3/1/2011	2/15/2011	Closed	Approve	01 Month
		111	7040.3 Facility population limitation		9/22/2010	Closed	Approve	05 Months
		77	7040.3 Facility population limitation	4/1/2010	3/16/2010	Closed	Approve	06 Months
		17	7040.3 Facility population limitation	3/1/2010	2/16/2010	Closed	approve	1 month
		108	7040.3 Facility population limitation		2/18/2009	Closed	Approve	12 Months
		107			11/18/2008	Closed	Approve	03 Months
		106			8/19/2008	Closed	Approve	03 Months
		20						

Name of Facility: Suffolk County - Yaphank Variance # 13-V-02

New: **Renewal:** X **Relief from Standard:** 7040

Application by: Suffolk County CF (Yaphank) **Date Request Rec:** As part of the transition into the new Yaphank Facility

Last Approved: 3/19/14 **Length of Approval: 12 months** **Expiration:** 4/1/15

Write-up Prepared by: Chester Martinez

Recommendation by Field Staff: Approve for 2 **Months**

SUMMARY OF VARIANCE REQUEST

Requesting authorzation to utlize 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

Same conditions currently in effect should apply.

VARIANCE HISTORY See Attached

Current Information:

The 2015 IFP will consist of a follow-up on open issues, monitoring of Bid Package "E" and the monitoring of the potential reduction in variance beds.

BID PACKAGE E: Approved by the Commission on 2/18/15 meeting.

CONSTRUCTION/RENOVATION PLANS

Phase II (Additional Housing – 360 Beds): *(SEE STAFF NOTE BELOW)*

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.
07/01/14 – Project advertised and let for bidding
09/01/14 – Bids received and review begins.
11/01/14 – Contract awarded and Construction begins.
05/01/17 – Construction Completed and facility turned over to SCSO.

OTHER VARIANCES IN EFFECT

98-V-16, 95-V-08, 00-V-07, 13-V-02

STAFF INFORMATION AFTER SITE VISIT (DATE OF LAST VISIT TO FACILITY):
JANUARY 29, 2015

ANY OPEN MINIMUM STANDARD VIOLATIONS:
See attached response assessment.
See attached letter regarding "Sprung" bathroom repairs.
See attached "Open/follow-up" standard evaluation.

ANY VIOLATIONS WHICH PERTAIN TO THE VARIANCE'S CONDITIONS:

JUSTIFICATION FOR WHY VARIANCE SHOULD OR SHOULD NOT BE EXTENDED:
THE COMMISSION HAS RECEIVED FROM SUFFOLK COUNTY OFFICIALS A PROPOSAL TO EXTEND THE TIMELINES OF "PHASE II" CONSTRUCTIONS FOR A PERIOD TO THREE YEARS. (SEE ATTACHED)

COMMISSION STAFF IS RECOMMENDING 60-DAYS APPROVAL TO BE ABLE TO REVIEW AND ASSESS THE PLAN SUBMITTED.

REVIEWED BY REGIONAL SUPERVISOR: **DATE:** 3/9/15

3/9/15

OFFICIAL USE ONLY:

NOTES OF MEETING: _____

SUFFOLK COUNTY

COUNTY LEGISLATURE

THOMAS F. BARRAGA
LEGISLATOR, 11TH DISTRICT

187 SUNRISE HIGHWAY, SUITE C
WEST ISLIP, NEW YORK 11795
(631) 854-4100

FEB 10 2015

February 4, 2015

Thomas A. Beilein
Chairman of New York State Commission of Correction
Alfred E. Smith State Office Building
80 South Swan St. 12th Floor
Albany, NY 12210

Dear Chairman Beilein:

As it gets closer to Suffolk County having to build another jail, the clearer it becomes that the facility and its massive expense are unnecessary.

Since the amendments of New York's Rockefeller Drug Laws in 2009 with the elimination of mandatory prison sentences for some drug offenses, and the reduction of minimum sentence for others the number of inmates has trended downward. A state study on Suffolk's jail needs does date to 2004 when inmate population was on the rise and it was not unreasonable at that time to assume that a continuing upward trend once again.

Suffolk opened a modern 420-bed addition to its Yaphank facility last year. That brought the county's prisoner capacity up to 1,544 and the County has state-granted allowances, called variances, that permit it to host about 400 more prisoners. Yet in 2014, Suffolk averaged only 1,350 to 1,400 prisoners a day, according to Sheriff Vincent DiMarco, with a high of 1,550.

The State has demanded that Suffolk keep planning to build more unnecessary capacity, ordering that the County provide another 360 beds. That will cost the tax-payers $2 million in design fees budgeted for this year and $110 million for construction over the next three years-for a facility that might never be needed and certainly won't be necessary anytime soon.

The decline in jailhouse population isn't due to luck. Rather, it is part of a welcome local and national trend decreasing crime that is likely to continue. At the same time, the way the criminal justice system handles defendants yet to stand trial is also changing. In Suffolk, one of the biggest improvements is a growing program for supervised release of suspects awaiting trial that is far cheaper and more sensible than holding them. That and other diversion programs are getting addicts into treatment rather than jail and putting young people in positions to be rehabilitated rather than hardened.

Statewide, jails are being closed as criminal populations decline and lawmakers balk at funding them as job programs. Nationally, there is a movement toward loosening both the laws and sentencing guidelines for drug possession, especially marijuana. New sentencing guidelines are likely to drive jail populations down even further. The State ought to acknowledge this and free Suffolk County from this construction mandate.

Very truly yours,

Thomas F. Barraga

Thomas F. Barraga
Suffolk County Legislator

New York State Commission of Correction
Chairman Thomas A. Beilein

Memorandum

From: Chairman Thomas A. Beilein

Date: February 10, 2015

Access Number:

To: Jim Lawrence
Brian Callahan
Richard Kinney

Sender: Thomas F. Barraga, Suffolk County Legislator

Date Original Received:2/4/2015

Re: Construction Mandate

Document Description: Letter/Variance Applications

Chairman's Comments:

Routing Information

Regional Supervisor: Savoy

CC:

COUNTY OF SUFFOLK

FEB 24 2015

OFFICE OF THE SHERIFF

VINCENT F. DEMARCO
SHERIFF

February 13, 2015

Thomas A. Beilein
Chairman/Commissioner
New York State Commission of Correction
80 Wolfe Road, 4th Floor
Albany, New York 12203-3764

Dear Commissioner Beilein:

I have recieved the letter dated February 3, 2015 concerning conditions in the Stressed Membrane Structure labeled Dorm East and Dorm West.

The following actions are being taken to alleviate the condition of the windows in both of these housing areas:

- The Department of Public Works has been contacted and has inspected the window frames of both areas. The importance of rectifying this condition has been stressed and I have been assured the utmost attention will be paid to correction of same.

- A contractor, Austin Interiors, Inc., has been contacted and has visited the Yaphank Correctional Facility. We have been promised an expedited written estimate. This estimate will include both steel and aluminum replacement of the window frame options. DPW management has expressed their commitment to authorize this work in an expeditious manner.

- DPW staff has installed a temporary steel plate over the bottom of each window sill on the lavatory side. This measure will prevent inmate access to the section rusted through limiting access to any area that could be loosened providing material for weapon manufacture. Photographs of the windowsills are attached.

If there is any additional information that you need, please do not hesitate to contact me.

Sincerely,

Vincent F. DeMarco
Sheriff

cc: Undersheriff John Meyerricks
Undersheriff Joseph Caracappa
Charles Ewald, Warden

100 CENTER DRIVE
RIVERHEAD, NEW YORK 11901-3389
(631) 852-2200

New York State Commission of Correction
Chairman Thomas A. Beilein

Memorandum

From: Chairman Thomas A. Beilein TAB

Date: February 24, 2015

Access Number:

To: Jim Lawrence
Brian Callahan
Richard Kinney

Sender: Sheriff Vincent DeMarco

Agency: Suffolk County Sheriff's Office

Date Original Received: 02/13/15

Re:Stressed Membrane Structure

Document Description: Letter

Chairman's Comments:

Routing Information

Regional Supervisor: Benjamin, Savoy

CC:

Part 7002 – Admission - Yaphank Facility and Riverhead Facility
Section 7002.1 Policy

Original Commission Findings: It was explained to Commission staff the department is gearing up to start booking at the Yaphank facility. Commission staff has concerns with the ability of the agency to start the booking process at the Yaphank Facility and all of the Original Action Required below must be addressed prior to the start of the booking process at the Yaphank Facility.

Original Action Required: Prior to commencing bookings at the Yaphank facility the department needs to submit a comprehensive policy and procedure as well as a written plan for the admissions of inmates into the custody of the Sheriff's department at the Yaphank Facility. At a minimum, this plan must include the following items:

- **Staffing levels**
- **Post orders**
- **Prisoner Identification**
- **Identification staffing and equipment**
- **Medical protocols**
- **Identify Classification housing**
- **Identify what inmate will be booked at what facility (flow criteria)**
- **Inmate flow to and from court.**
- **New inmate processing as opposed to court return processing;**
- **Records retention, where and how**
- **Approved classification housing plan**
- **Any other relevant items**

Facility Response: ***Using your bulleted list:***

- **Identification Staffing and Equipment**
  At this time there is no plan to increase the staffing level of the Identification Section. The work load is not anticipated to increase; therefore, a reallocation of staff is the appropriate response. Equipment necessary to fulfill the duties of the Identification Techs is on site in the Yaphank Facility.

Response Assessment: Upon opening the Yaphank facility for processing newly admitted inmates into the facility Commission staff will be evaluating the staffing levels.

Status: Open

- **Medical protocols**
  Upon full staffing by the Medical Unit, currently anticipated as April, the medical protocols will not differentiate between facilities. It is projected that all medications will be available in both facilities, and any special needs housing will be determined by our Classification Unit, not by limited medical resources.

Response Assessment: This is addressed under the classification section of this report.

- **Identify Classification housing**
  Classification of housing units is a fluid operation and the current breakdown is attached as Appendix C.

Response Assessment: Upon opening the Yaphank facility for processing newly admitted inmates into the facility Commission staff will monitor the classification process.

Status: Open

- **Identify what inmate will be booked at what facility (flow criteria)**
  The booking of inmates will primarily be: Yaphank will book inmates arriving from the District Court in Central Islip. Inmates arriving from the east end Justice Courts and County Court in Riverhead will be booked in the Riverhead Facility. A flow chart is attached as Appendix D.

Response Assessment: Upon opening the Yaphank facility for processing newly admitted inmates into the facility Commission staff will continue to monitor the progress.

Status: Open

- **Approved classification housing plan**
  The approved classification housing plan is the utilization of the scoring instrument and compliance with minimum standards. Our current inmate population is at a low level allowing ample space for the Classification Unit to manage the housing areas comfortably.

Response Assessment: Upon opening the Yaphank for processing newly admitted inmates into the facility Commission staff will monitor the classification process.

Status: Open

Part 7002 – Admissions - Riverhead Facility
Section 7002.4(c)(1-4)(d)(1), Property confiscation

Original Commission Findings: Upon review of newly admitted inmate property forms, Commission staff noted that when new inmates are transferred from the department's Law Enforcement personnel to the Correctional staff, the Correctional staff does not receive a written inventory of the property from the Law Enforcement personnel.

Upon inquiry, Commission staff was informed that when a newly committed inmate's property is confiscated or accepted by the department's Law Enforcement personnel and subsequently transferred to Correctional staff, there is no inventory of the property completed by Law Enforcement personnel for the Correctional staff to review and verify. If Law Enforcement personnel accept the property from an outside agency, the written inventory documented by that agency is accepted by the Law Enforcement personnel and directly transferred to Correctional staff upon transport to the facility.

If the department's Law Enforcement personnel are the arresting agency, the inmate's property is not inventoried and documented until the inmate is transported to the facility, where a written inventory of property is then completed by Correctional staff. Subsequently, this creates the propensity for error and omission of the property being confiscated and then transferred.

Facility Response: None

Response Assessment: The department must put in place some type of chain of custody for both the prisoner's and their property from receiving the prisoner at the courts to the final custody of the correctional facility.

Status: OPEN.

Original Action Required: As required by this section, whenever property is confiscated and/or accepted by any departmental staff, the property shall be inventoried and recorded in writing. This shall include:

-the name of the prisoner;
-an itemization of each personal property item confiscated with an accurate description of such item;
-the date of confiscation, and
-the name and signature of the officer completing the inventory*.

***The prisoner shall verify by signing the inventory as being complete and accurate. If for any reason a prisoner is unable to do so, the inventory shall be witnessed by another staff member.**

Facility Response: *Inmate property will be inventoried and stored securely by the property officers upon receipt of any property.*

Response Assessment: The department must put in place some type of chain of custody for both the prisoner's and their property.

Status: Open

OPEN / FOLLOW-UP ISSUES AT SUFFOLK CORRECTIONAL FACILITY (MARCH 2015)

[redacted]

OPEN / FOLLOW-UP ISSUES AT SUFFOLK CORRECTIONAL FACILITY (MARCH 2015)

[redacted]

OPEN / FOLLOW-UP ISSUES AT SUFFOLK CORRECTIONAL FACILITY (MARCH 2015)

[redacted]

OPEN / FOLLOW-UP ISSUES AT SUFFOLK CORRECTIONAL FACILITY (MARCH 2015)

Part 7008 - Visitation
Part 7008 - Visitation - Riverhead and Yaphank Facilities

Commission Findings: During visits at the facility, Commission staff were informed inmates that are brought down to the visit area are being charged for a visit, against their two hours of visits per week, for visits even when the visitor does not show up to the visit.

Original Action Required: Inmates are entitled to at least two hours of visitation each week. Each visit shall be at least 30 minutes. The department shall discontinue counting visits against an inmate when the visitors do not show up for such visit.

> **Facility Response:** *The practice of counting a missed visit as one of the two received by inmates each week has been discontinued.*

Response assessment: Commission staff will continue to monitor this however this is considered closed at this point.

> **Status: Closed**

Part 7009 - Food Services – Riverhead Facility

Original Commission Findings: Commission staff observed the kitchen was in the process of upgrading the inventory board. Until such time as the inventory board is operational, Commission staff cannot ascertain the accuracy of the inventory of kitchen utensils.

Original Action Required: The department shall ensure that a complete and accurate inventory of kitchen utensils is maintained.

> **Facility Response:** *A directive has been issued requiring the kitchen staff to log the utensils in the kitchen. Attached as Appendix K.*

Response assessment: Commission staff will continue to monitor this however this is considered closed at this point.

> **Status: Closed**

Original Commission Findings: At the time of evaluation, Commission staff noticed that the facility was draining pasta on the floor over the floor drain system. Commission staff was informed that all of the colanders in the facility were broken at the time of the evaluation.

Original Action Required: The facility shall ensure that food is prepared in a clean and sanitary condition consistent with State Sanitary Code. The Commission requires that the facility contact the county health department and have the facility kitchen reevaluated with an eye toward kitchen sanitation and food preparation. Upon completion of the health inspection please forward the report to the Commission for review and comment.

Facility Response: *The Suffolk Department of Health Services conducted an inspection of the Riverhead Kitchen on 30 JAN 2014. Attached as Appendix L. All items identified have been remediated.*

Response assessment: Commission staff will continue to monitor.

Status: **Closed.**

Part 7010 - Health Services

Original Commission Findings: The Suffolk County Department of Health is currently working on a comprehensive list of services and staffing levels at both the Yaphank and the Riverhead facilities. The implementation of services at both facilities has been slow and is creating an issue with the implementation of several items at the facility to include classification, booking at the Yaphank facility, conducting sick call on the housing units etc.

Original Action Required: The facility must provide a comprehensive staffing list along with what services will be provided at what facility. The services being provided must not conflict with the requirements of 7013 classification.

Facility Response: *Dr. Geraci reports that the Health Department is aware of the needs of the Sheriff's Office for a seamlessness of service between facilities (with very few exceptions) . It is the intent of the Medical Unit to have no impact on the Classification Unit and their placement of inmates. With the transition of personnel due to the closures of County Health Centers, staffing is expected to improve as staff transfers to the Correctional Facilities. The timeline described by Dr. Geraci is ASAP, with a realistic completion of April, including the training of transferring staff.*

Response assessment: Commission staff will continue to monitor this issue and direct a letter to the county executive and the health department. Efforts to address this matter have been going on for some time and the Yaphank facility has been open for over a year. Continued violations in this area may result in the Commission taking further action.

Status: **Open.**

Part 7013 – Classification

Original Commission Findings: The Classification Captain informed Commission staff the new classification policy and procedure is completed and the new classification and reclassification instruments are currently being used on a system wide basis. While conducting the evaluation of classification Commission staff noticed the facility is still utilizing a combination of the old system and the new system. This is due, in part, to Medical not allowing specific inmates to be housed at the Yaphank Facility. This in itself creates the facility to classify utilizing a formal and objective system and then utilize a subjective system without creating an override.

Original Action Required: The facility must classify inmates utilizing a formal and

objective classification system to assign primary house to those inmates that have completed the initial screen and classification process. The medical department cannot place precursors on the primary housing of inmates unless they recommend specifically 'not cleared for classification' then and only then may the Classification unit assign the inmate to Special housing pursuant to 7013.2(h).

Facility Response: *Discussion with your staff clarified this issue during the site visit. The issues confronting the Classification Unit due to the limited capabilities of the medical unit at the Yaphank Facility will dissipate with the full operation we believe will commence in April. The low inmate count has allowed the Classification Unit to manage inmate housing in a smooth and generally trouble free manner that is expected to improve when medical issues do not dictate housing decisions.*

Response assessment: Upon review, the facility is still in violation of classification and the same issue still persists. Furthermore a review of documentation dated June 12, 2014 showed 80 possible inmates that could by classification standards be housed in the Yaphank Facility however only 19 were approved by Medical staff due to medication issues or staffing issues. Continued violations with classification of inmates may cause the Commission to take further action.

Status: **Open.**

Part 7015 – Sanitation – Riverhead Facility

Original Commission's Findings: Many of the issues within the control of the facility administration such as daily cleaning, floor mopping, painting and garbage removal are all completed satisfactorily. The department continues to take great effort in maintaining the facilities in a clean condition, however there are issues that need prompt attention regarding some of the inmate cells. For example, Commission staff observed cloths lines made of torn bed sheets in numerous areas.

Original Action Required: The department needs to put in place a system of checks and balances whereby the inmates are held responsible for the destruction of county property and the general cleanliness of their cells.

Facility Response: *Staff has been reminded of the procedures delineating their responsibility for the enforcement of rules pertaining to this issue.*

Response assessment: A review of the sanitation issues of both the Riverhead and Yaphank Facility was conducted June 11-12, 2014. Again those issues in the control of the department were taken care of immediately however those issues such as broken toilets, showerheads not properly functioning are outside of the Sheriff's Departments authority and fall on DPW. In these instances there appeared to be an unacceptable delay. Maintenance staff assigned to the Sheriff's Department do not report directly to security staff, they report to a DPW supervisors. This in turn causes unnecessary delays in repairs and once again is outside the Sheriff's department control.

Original Action Required: The Commission is requesting that a DIRECT CHAIN of authority

be established from the DPW Maintenance staff assigned to work at the correctional facilities to the Warden of the facility. Failure to create such a chain of command in this area will leave the Commission no other choice but to mandate this in the staffing analysis.

Status Open

Part 7016 – Commissary

Original Commission Findings: Pursuant to Part 7016 (d), 'definite arrangements shall be made for periodic audit of the commissary accounts by the office of county auditor, county treasurer or other county officer in a similar capacity'. Upon inquiry for the most recent facility commissary audit report, Commission staff were given an audit dated 2003 but also informed that the county completed an audit of the commissary 'almost two years ago' however has not received any notification of their findings.

Original Action Required: Pursuant to 7016.1, the definite arrangements shall be made for the periodic audit of the commissary accounts by the office of the county auditor, county treasurer and other county officer in a similar capacity.

Facility Response: *Deputy Warden Franchi has contacted the auditors in an attempt to clarify when we will receive the report of the completed audit. We have been told that we should expect the report sometime this year.*

Response assessment: Please forward the commission a copy of the report upon completion.

Status: Open.

Original Commission Findings: Profits resulting from commissary sales shall be deposited in a separate bank account and shall be utilized **only** for purposes of prisoner welfare and rehabilitation. A review of expenditures from the Suffolk County Commissary Account have raised some question for the Commission, therefore those expenditures have been forwarded to the New York State Comptroller for review and comment.

Facility Response: *I have directed that all future barbershop supplies be purchased through the use of county operating funds.*

Status: Closed

Part 7017 – Personnel Standards
Section 7017.1, Training - Riverhead and Yaphank Facilities

Original Commission Findings: The facility does require newly hired civilian workers and volunteers to attend a safety orientation program upon their hiring. However, there is no documentation maintained to verify that newly hired civilians completed the program.

Recommendation: The facility should maintain documentation that all civilians have completed the facility safety orientation program following their hire and maintain such on file within the facility.

Facility Response: *The Internal Security Unit will amend their computerized database for civilian employees and volunteers to include their dates of clearance/hire and the date that they received their security orientation class.*

Status: Closed

Part 7039 – Fire Prevention and Safety - Riverhead Facility
Section 7039.3, Fire prevention code requirements

Original Commission Findings: While touring throughout the facility, Commission staff observed numerous fire extinguishers that did not reflect current inspections. This included a fire extinguisher located in the CERT trailer (which stores the military-grade chemical agents) that had a tag affixed dated the year 1999.

Original Action Required: As required by this Part, the facility shall ensure that all fire extinguishers are inspected regularly and that the extinguisher inspection tags reflect such. In addition, the facility shall remove all outdated extinguishers for repair or replacement.

Facility Response: *While reviewing this issue it became apparent that, with the exception of the fire extinguisher in the SERT trailer, all the fire extinguishers are currently inspected and current. The county provides for annual inspections of all fire suppression equipment by an outside vendor. This includes the extinguishers in the correctional facilities. The tags provided by this vendor indicate the date of service and are valid for one year from the date of service. Commission staff seems to*

have interpreted the date shown as the expiration and not the date of service. I have attached a copy of a tag as Appendix O showing this.

Response assessment: Commission staff will continue to monitor this issue.

Status: Closed.

Section 7039.4, Fire and safety inspections

Original Commission Findings: Upon request for documentation regarding the previous annual facility fire inspection, the facility could only provide Commission staff with documentation dated the year 2008. However, upon inquiry, the facility administration informed Commission staff that annual inspections have been conducted, with the most recent being conducted in March of this year, and with a current inspection slated for October, 2013. The facility did produce documentation confirming an October 11, 2013 appointment with a representative from the Suffolk County Department of Fire and Rescue to conduct the annual fire safety inspection.

Original Action Required: The facility shall maintain documentation within the facility confirming that annual fire safety inspections are conducted and be able to produce a copy of such upon demand. The documentation shall include the steps taken, or to be taken, to correct any deficiencies found during the inspections.

Facility Response: *While reviewing this issue it became apparent that, with the exception of the fire extinguisher in the SERT trailer, all the fire extinguishers are currently inspected and current. The county provides for annual inspections of all fire suppression equipment by an outside vendor. This includes the extinguishers in the correctional facilities. The tags provided by this vendor indicate the date of service and are valid for one year from the date of service. Commission staff seems to have interpreted the date shown as the expiration and not the date of service. I have attached a copy of a tag as Appendix O showing this.*

Status: Open

Section 7039.5, Fire prevention and safety practices and training

Original Commission Findings: Upon inquiry, Commission staff was informed that currently there is only one officer assigned to conduct the weekly fire safety inspections at the Riverhead Facility. This one officer is also responsible for conducting the weekly inspections at the Yaphank Facility as well. Commission staff was informed that the secondary officer responsible for the inspections (should the primary officer be unavailable) had recently been reassigned and is no longer responsible for the inspections as a secondary officer.

Original Action Required: The facility shall appoint secondary officer(s) to conduct the weekly fire safety inspections at the Riverhead and Yaphank facilities should the primary officer be unavailable. The officer(s) appointed must have successfully completed a fire protection seminar approved by the Office of Fire Prevention and Control.

Facility Response: *The annual Fire Inspection has been completed and we are awaiting the written report. Upon receipt we will forward a copy to the commission and begin the necessary corrective action.*

Response assessment: Commission staff will continue to monitor this issue and it will remain open pending receipt of a copy of the annual fire inspection.

Status: Open.

Recommendation: In addition to appointing at least one secondary officer to conduct the inspections at the Riverhead Facility, the facility should consider appointing separate primary and secondary officers to conduct the weekly inspections at the Yaphank Facility.

Facility Response: *The filling of a permanent Fire Safety Officer for the correctional facility at Yaphank is imminent.*

Response assessment: Commission staff will continue to monitor this issue.

Status: Closed.

Original Commission Findings: Upon review of the weekly fire safety inspections, Commission staff noted that any deficiencies found during the inspections and the subsequent corrective action taken to address such was not being documented. Upon inquiry, Commission staff was informed that most deficiencies were addressed via phone to the facility maintenance department.

However, the facility produced a copy of the 'Facilities Repair/Maintenance Request Form' which had already been developed, but was not currently being utilized. Prior to the end of the evaluation, Commission staff was informed that this form would again be utilized from now on.

Original Action Required: The facility shall ensure that all deficiencies found during weekly fire safety inspections are documented, along with the actions taken, or to be taken, to address such.

Facility Response: *The Fire Safety Officer has implemented two new forms to document his activities. We have developed a Facility Inspection Guide Form that identifies the task that he performs during his inspections of the facilities. This is attached as Appendix P. Additionally; this officer will log all calls for service on a spreadsheet to identify dates of remediation after he is notified of a deficiency.*

RESPONSE ASSESSMENT: Commission staff will continue to monitor this however this is considered closed at this point.

Status: Closed

OPEN / FOLLOW-UP ISSUES AT SUFFOLK CORRECTIONAL FACILITY (MARCH 2015)

[redacted]

OPEN / FOLLOW-UP ISSUES AT SUFFOLK CORRECTIONAL FACILITY (MARCH 2015)

[redacted]

OPEN / FOLLOW-UP ISSUES AT SUFFOLK CORRECTIONAL FACILITY (MARCH 2015)

[redacted]

OPEN / FOLLOW-UP ISSUES AT SUFFOLK CORRECTIONAL FACILITY (MARCH 2015)

[redacted]

OPEN / FOLLOW-UP ISSUES AT SUFFOLK CORRECTIONAL FACILITY (MARCH 2015)

[redacted]

OPEN / FOLLOW-UP ISSUES AT SUFFOLK CORRECTIONAL FACILITY (MARCH 2015)

[redacted]

All Variances History

Monday, March 09, 2015
8:18:45 AM

Jurisdiction	Number	ID	Standard Number	Expires	Meeting Date	Open/Closed	Action taken	
Suffolk Yaphank								
	13-V-02							
		361	7040.3 Facility population limitation	4/1/2015	3/17/2015	Open		
		299	7040.3 Facility population limitation	4/1/2014	3/18/2014	Closed	Approve	12 Months
		2						