



**Commission of  
Correction**

**THOMAS A. BEILEIN**  
Chairman

**PHYLLIS HARRISON-ROSS, M.D.**  
Commissioner

**THOMAS J. LOUGHREN**  
Commissioner

**M E M O R A N D U M**

**TO:** COMMISSION MEMBERS  
**FROM:** Brian Callahan, General Counsel   
**RE:** AGENDA FOR COMMISSION MEETING  
**DATE:** March 22, 2016 at 11:00AM

**I. MINUTES**

**SCOC**  
February 17, 2016

**CPCRC**  
March 10, 2016

**MRB**  
Administrative Closures  
  
March 3, 2016 Meeting

**II. VARIANCES**

**A. Suffolk County Jail (Riverhead)**  
15-V-08  
(Section 7040.3 Facility Population Limitation)

**III. MFC**

**B. Tompkins County Jail**

**IV. CONSTRUCTION**

**C. New York State Department of Corrections and Community  
Supervision  
Coxsackie Correctional Facility  
Provide Cell Block & Quartermaster/Records Storage Addition**

- D. **New York State Department of Corrections and Community Supervision**  
**Coxsackie Correctional Facility**  
Provide Cell Locking Devices, Building #2 A & C Blocks
  
- E. **New York State Department of Corrections and Community Supervision**  
**Eastern Correctional Facility**  
Provide Perimeter Fences/Systems Project
  
- F. **New York State Department of Corrections and Community Supervision**  
**Great Meadow Correctional Facility**  
Upgrading Locking System Building No. 4 – “F” Block Shu Project
  
- G. **Sullivan County Jail**  
New Facility Construction Project
  
- H. **Sullivan County Sheriff's Office**  
New Pre-Arraigned Booking Area Project
  
- I. **Warren County Court**  
Phase 1 and Phase 2 Construction Court Holding Areas Project
  
- V. **Directive**
  
- J. **New York City Department of Correction**  
**Anna M. Kross Center**



# Commission of Correction

**THOMAS A. BEILEIN**  
Chairman

**PHYLLIS HARRISON-ROSS, M.D.**  
Commissioner

**THOMAS J. LOUGHREN**  
Commissioner

## MINUTES

### LOCATIONS:

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

**STATE COMMISSION OF CORRECTION**  
Adam Clayton Powell State Office Building  
163 W 125<sup>th</sup> Street  
(5<sup>th</sup> Floor) Suite 506  
New York, New York 10027

**DATE OF MEETING: February 17, 2016**

Chairman Beilein called the meeting to order at 11am.

### PRESENT:

Thomas Beilein, Chairman  
Thomas Loughren, Commissioner  
Phyllis Harrison-Ross, M.D., Commissioner (**Participated from NYC Office Above**)  
Tricia Amati, Assistant to Chairman/Commissioners  
Richard Kinney, Director of Operations  
Brian Callahan, General Counsel  
Debbie Slack-Bean, Senior Attorney  
Bill Benjamin, South Central, Supervisor  
Chris Ost, Supervisor of Forensic Unit  
Terry Moran, Supervisor, Capital West  
Justin Mason, Deputy Director of Public Information  
Donald Lincourt, Correctional Facility Specialist I

**DATE:** February 17, 2016 at 11:00AM

### I. MINUTES

**SCOC**  
January 20, 2016

**Approved Unanimous**  
**Ross/Loughren**

**CPCRC**  
February 11, 2016

**Approved Unanimous**  
**Loughren/Ross**



The meeting resumed at 11:40am. Motion was made by Commissioner Harrison-Ross, M.D. to ratify actions taken in Executive Session regarding MRB and Construction items, seconded by Commissioner Loughren.

Commissioner Harrison-Ross, M.D. made a motion to adjourn at 11:41am which was seconded by Commissioner Loughren.

Respectfully submitted,

Tricia Amati  
Assistant to Chairman/Commissioners



# Commission of Correction

**THOMAS A. BEILEIN**  
Chairman

**PHYLLIS HARRISON-ROSS, M.D.**  
Commissioner

**THOMAS J. LOUGHREN**  
Commissioner

## EXECUTIVE SESSION

### MINUTES

#### LOCATIONS:

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

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#### PRESENT:

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Richard Kinney, Director of Operations  
Brian Callahan, General Counsel  
Debbie Slack-Bean, Senior Attorney  
Bill Benjamin, South Central, Supervisor  
Chris Ost, Supervisor of Forensic Unit  
Terry Moran, Supervisor, Capital West  
Justin Mason, Deputy Director of Public Information  
Donald Lincourt, Correctional Facility Specialist I

Commissioner Harrison-Ross, M.D. made a motion to go into executive session at 11:13am to discuss Construction and MRB items, which was seconded by Commissioner Loughren.

Commissioner Harrison-Ross, M.D. Commissioner made a motion to exit Executive Session and return to general session at 11:40am, which was seconded by Commissioner Loughren.

The meeting resumed at 11:40am. Motion was made by Commissioner Harrison-Ross, M.D. to ratify actions taken in Executive Session regarding MRB and Construction items, seconded by Commissioner Loughren.

Commissioner Harrison-Ross, M.D. made a motion to adjourn at 11:41am which was seconded by Commissioner Loughren.

Respectfully submitted,

Tricia Amati  
Assistant to Chairman/Commissioners

CITIZENS' POLICY AND COMPLAINT REVIEW COUNCIL

March 10, 2016

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

**PRESENT:**

Commissioner Thomas J. Loughren

**Council Members:**

Albany:

Tom Cross  
Doug Landon  
Nick LaBella, Jr.  
Martin Stanton

Williamsville

Julie Scalione

Also Present:

Rich Kinney  
Deborah Slack-Bean  
Terry Moran  
Chris Ost

Commissioner Loughren opened the meeting at 11:04 a.m.

Commissioner Loughren asked for a motion to approve the minutes of the February 11, 2016 meeting. Martin Stanton made a motion to approve the minutes and Tom Cross seconded. Carried.

Julie Scalione reviewed (16) Expedited with Comment grievances for the month of March, 2016 and made a motion to deny all. Seconded by Tom Cross and unanimously passed.

Doug Landon, Tom Cross, Charles Burkes, and Martin Stanton, as Expedite sub-committee, reviewed the SharePoint expedited grievances. Doug Landon reviewed Albany County to Herkimer County grievances (56), Tom Cross reviewed Madison County to Putnam County Grievances (58), Charles Burkes reviewed Rensselaer County to Warren County

Grievance #67709 (57), and Martin Stanton reviewed Warren County Grievance # 67225 to Wyoming County Grievances (49). A motion was made by Doug Landon and Tom Cross to deny all the grievances they reviewed. These motions were seconded by Martin Stanton and Doug Landon respectively and unanimously passed. Upon the recommendation of Charles Burkes, Doug Landon made a motion to deny grievances from Rensselaer County to Warren County # 67709. This motion was seconded by Tom Cross and unanimously passed. A motion was made by Martin Stanton to table grievances from Westchester County Jail and Wyoming County Jail and to deny the remaining grievances from Warren County Jail. This motion was seconded by Doug Landon and unanimously passed.

The Council reviewed the remaining grievances.

**ACCEPT IN PART**

66300 Chautauqua CJ	Unanimous
67189 66846 55692 Delaware CJ	Unanimous
66935 Onondaga DOC	Unanimous
64783 Ontario CJ	Unanimous
67363 Oswego CJ	Unanimous
67710 67711 65390 64420 64482 64483 64505 Warren CJ	Unanimous

**ADMINISTRATIVE CLOSURES**

**DENY**

66932 Albany CJ	Unanimous
67061 Broome CJ	Unanimous

67663  
Cattaraugus CJ Unanimous

68029  
Cayuga CJ Unanimous

67080  
65811  
65810  
65960  
Chautauqua CJ Unanimous

67021  
Chemung CJ Unanimous

66524  
66963  
66964  
66965  
66999  
67019  
67596  
67059  
67060  
67100  
Chenango CJ Unanimous

67190  
65764  
66843  
67192  
66845  
~~64248~~  
64249  
66629  
66850  
67193  
67194  
67342  
67195  
67343  
67504  
67505  
66661  
66851  
67344  
67492  
67346  
67493  
67494  
67495

67496  
67347  
Delaware CJ Unanimous

67544  
Dutchess CJ Unanimous

67539  
67455  
67457  
67540  
67541  
67542  
Franklin CJ Unanimous

67619  
67386  
Fulton CJ Unanimous

67453  
Greene CJ Unanimous

66701  
Herkimer CJ Unanimous

65380  
65381  
65382  
65383  
65354  
67243  
67244  
67261  
67245  
67262  
63120  
Madison CJ Unanimous

67104  
67105  
67355  
66186  
66327  
67108  
67356  
Monroe CJ Unanimous

65162  
Montgomery CJ Unanimous

67354  
67179  
67180  
66892  
Nassau CJ Unanimous

66266  
66774  
66840  
66934  
66841  
67350  
67351  
Onondaga DOC Unanimous

66859  
Onondaga JC Unanimous

67203  
66762  
66921  
66922  
66923  
67101  
67102  
67103  
66924  
66925  
Ontario CJ Unanimous

67001  
Orange CJ Unanimous

67419  
Orleans CJ Unanimous

66962  
67221  
67032  
Oswego CJ Unanimous

66929  
66931  
67004  
67005  
67026  
67027  
67239  
66930  
67240  
Otsego CJ Unanimous

66705  
65367  
66479  
66364  
Putnam CJ Unanimous

67025  
67063  
67759  
Rensselaer CJ Unanimous

67872  
65802  
66583  
66633  
66779  
66926  
66927  
67874  
67458  
67459  
63960  
66482  
65939  
Rockland CJ Unanimous

67454  
60499  
Saratoga CJ Unanimous

66241  
66242  
64990  
64991  
67620  
67598  
68070  
67339  
67340  
67420  
68089  
67341  
Seneca CJ Unanimous

67430  
67252  
67433  
Steuben Unanimous

66959  
67187  
67204  
St. Lawrence CJ

Unanimous

67348  
67522  
67111  
Suffolk CJ

Unanimous

67523  
67506  
Sullivan CJ

Unanimous

67181  
67182  
67199  
67200  
67201  
66937  
67202  
64307  
Tompkins CJ

Unanimous

64096  
67223  
67379  
67224  
67380  
67381  
67708  
67421  
67709  
67225  
67226  
67684  
67205  
67206  
67382  
67422  
67423  
64126  
67207  
67383  
67208  
67384  
64504  
64709  
65761  
67424  
66960

64379  
67685  
67209  
67385  
67210  
67712  
67686  
63504  
63725  
Warren CJ Unanimous

**DENY WITH COMMENT**

66606  
Broome CJ Unanimous

66968  
Columbia CJ Unanimous

67242  
Madison CJ Unanimous

66891  
Nassau CJ Unanimous

67441  
67437  
67438  
67560  
67543  
67439  
67440  
Niagara CJ Unanimous

67621  
Schenectady CJ Unanimous

67062  
Seneca CJ Unanimous

67854  
Tompkins CJ Unanimous

67028  
67031  
Westchester DOC Unanimous

**TABLED**

67065  
64886  
67497  
67248  
67249  
67498  
67006  
67519  
67029  
67082  
67434  
67349  
67250  
67520  
67030  
67251  
64983  
67007  
67435  
66261  
67083  
67084  
66408

Westchester DOC

Unanimous

67023

Wyoming CJ

Unanimous

The next CPCRC meeting will be held on Thursday, April 14, 2016 at 11:00 a.m. at SCOC, AESOB 80 S. Swan St. 12<sup>th</sup> Floor Albany, NY, Adam Clayton Powell State Office Building, 163 W 125<sup>th</sup> St., Suite 506, NY, New York, and at Williamsville, NY 14221.

Commissioner Loughren requested a motion to adjourn the meeting which was made by Doug Landon, seconded by Tom Cross and carried. The meeting adjourned at 12:30 pm.

Respectfully submitted,

Victoria Walker  
Secretary

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**Name of Facility: Suffolk County Jail- Riverhead** **Variance # 15-V-08**


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**New:**                      **Renewal: X**                                      **Relief from Standard: 7040.4 (b)(1)****Application by:** Warden Charles Ewald                                      **Date Request Rec:** 3/18/16**Last Approved:** 11/17/15      **Length of Approval: 4 months**      **Expiration Date:** 3/31/16**Current Write-up Prepared by:** Keith Zobel**Recommendation by Field Staff:** Approve - 6 Months**Proposed expiration:** September 30, 2016**Final Recommendation:****SUMMARY OF VARIANCE REQUEST**

The Suffolk County Sheriff's Office is requesting a variance allowing for the presence of the second bunk in the 192 cells previously permitted to house two inmates under Variance 98-V-16. This variance will allow the county to keep these beds in the cells. No inmates are allowed to occupy these beds.

See Below Chart:

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

**RECOMMENDED CONDITIONS**

It is recommended that this variance request be granted for a period of 6 months with the stipulation that the following conditions are observed:

1. No inmates are permitted to be housed in the variance beds.

**OTHER VARIANCES IN EFFECT** – None**STAFF INFORMATION AFTER SITE VISIT (DATE OF LAST VISIT TO FACILITY):**

October 2015. The county is still in the process of completing the first half of bid package "E". It is anticipated that this will be completed by April 30, 2016.

**DATE OF LAST CYCLE VISIT THAT STANDARD VIOLATIONS WERE IDENTIFIED:** 10/15

**ANY OPEN MINIMUM STANDARD VIOLATIONS:** NONE THAT IMPACT THIS VARIANCE.

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

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

This variance will allow Suffolk County officials to keep extra beds in the Riverhead facility. Based on a court agreement between Suffolk County and the NYS Commission of Correction, the county can apply to utilize 100 of the double celled beds. ( See Attachment)

**REVIEWED BY REGIONAL SUPERVISOR:** Keith Zobel

**DATE:** 3/21/16

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**OFFICIAL USE ONLY:**

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



# SHERIFF



**SUFFOLK COUNTY SHERIFF'S OFFICE**  
**VINCENT F. DEMARCO, SHERIFF**

## FAX COVER SHEET

ADMINISTRATIVE BUREAU  
COMPLIANCE STANDARDS UNIT

TELEPHONE: (631) 852-1625  
FAX: (631) 852-1492

DATE: 4 MAR 2016

TO: NYS Commission of Correction

FAX: (518) 485-2467

ATTN: Michael Walters

FROM: Sergeant John Lowry #141

NUMBER OF PAGES: 5

Mr. Walters,

Please find attached a renewal application for Variance5-V-08.

If you have any questions or require anything else,  
please let me know.

Thanks,  
John Lowry



### Confidentiality Notice

The documents accompanying this telecopy transmission, which is confidential and/or legally privileged. The information is intended only for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this telecopied information is strictly prohibited, and that the documents should be returned to this office immediately. In this regard, if you have received this telecopy in error, please notify us by telephone immediately.



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

New	_____
Renewal	<u>15-V-0</u>
Variance #	_____
(SCOC USE ONLY)	

**Thomas A. Beilein**  
**Chairman**

### Variance Application Form

#### INSTRUCTIONS TO SHERIFF OR CHIEF ADMINISTRATIVE OFFICER:

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

Facility: Riverhead Correctional Facility

Person requesting: Warden Charles Ewald  
(Sheriff/Chief Administrative Officer)

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

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

Standard for which the variance is requested:

Part: 7040 Section: 4 Subdivision: (b)(1)

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

The Suffolk County Sheriff's Office is requesting a variance allowing for the presence of the second bunk in the 192 cells previously permitted to house two inmates under Variance 98-V-16. There is no intent to modify the facility's MFC or permit any other use without first applying for variance relief.

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

Due to the construction / renovation project currently underway at the Yaphank Correctional Facility and uncertain population trends, it is possible that Suffolk County could find itself requesting the re-authorization of the previously granted variance. Additionally, the removal of the second bunk would necessitate relocating inmates currently housed in the affected cells, further straining the available resources of the Correctional Facilities.

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

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

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

Once the Correctional Facilities have been completed it is possible that Suffolk County will have the necessary space to relocate inmates from former double occupancy cells and remove the second bunk without causing undue strain on the available space.



G. Has this variance been previously approved?

Yes XX If yes, includes the variance number 15-V-08 No \_\_\_\_\_

Charles Ewald

WARDEN

March 18, 2016

Signature (Sheriff) (Chief Administrative Officer)

Date

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

(SCOC Form #V-1)  
(01/15)



**Commission of  
Correction**

**Maximum Facility Capacity**

**For The**

**Tompkins County Jail**

**In**

**Ithaca, New York**

**March 2016**

**Thomas A. Beilein**  
*Chairman*

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

**Thomas Loughren**  
*Commissioner*

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

**INDIVIDUAL OCCUPANCY HOUSING UNITS:**

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

**EXCEPTIONS:**

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

**MULTIPLE OCCUPANCY HOUSING UNITS:**

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

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

Name of Housing Area/Section	Number of Individual Housing Units	Total Size of Unit (Sq. Ft. of Floor Space)	# of Shower Available per Section	Maximum Inmate Capacity
A-Block	3	72	1	3
B-Block	3	72	1	3
C-Block	5	72	1	5
D-Block	5	72	1	5
E-Block	5	72	1	5
F-Block	6	72	1	6
G-Block	4	72	1	4
H-Block	4	72	1	4

**Individual Housing Unit Total: 35**



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

Name of Housing Area/Section	Number of Toilets	Number of Sinks	Number of Showers Available per Section	Total Size of Unit (Sq. Ft. of Floor Space)	Maximum Inmate Capacity
Dorm A	1	1	See Note #1	600	8
Dorm B	1	1	" "	676	9
Dorm C	1	1	" "	676	9
Dorm D	1	1	" "	600	8
Dorm E See Note #2	1	1	" "	605	7
Trusty Dorm (Program – D)	1	1	1	462	5

- Note: 1.** Adjacent to the A-E Dorms is a communal bathroom which contains 4 toilets, 4 sinks, and 4 showers which also services the inmates housed in those dorms.
- 2.** Dorm E (former indoor exercise area) was added to the MFC as part of the March 22, 2016 Commission Meeting.

Multiple General Housing Unit Total: 47



III. A. NON-STANDARD HOUSING

Name of Housing Area/Section	Number of Toilets	Number of Sinks	Total Size of Unit (Sq. Ft. of Floor Space)	Description of use (limit as to use, time frame, etc.)
<p><b>BOOKING</b></p> <p> Holding</p>	<p>1</p>	<p>1</p>	<p>205.16 SQ. FT.</p>	<p>This cell may be used for short-term individual and multiple occupancy holding of inmates during the intake process, provided supervision is maintained pursuant to Part 7003 of 9NYCRR.</p>
				<p>The facility shall limit individual occupancy holding to 12 hours. Multiple occupancy shall be limited to four (4) hours.</p> <p>When utilized for holding multiple inmates, the facility may hold up to 13 inmates</p>

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

HOUSING TYPE	TOTALS
Subtotal Individual Housing Units Used for General Housing:	35
Subtotal Individual Housing Units Used for Special Housing:	N/A
Subtotal Multiple Housing Units Used for General Housing:	47
Subtotal Multiple Housing Units Used for Special Housing:	N/A
<b>MAXIMUM FACILITY CAPACITY:</b>	<b>82</b>

The above-noted capacity is based upon the following:

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

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

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

**COMMENTS:**

The above reflects changes in the Tompkins CJ's rated MFC. Specifically, the former indoor exercise area was converted to a 7-bed dormitory (Dorm E) and its capacity was approved at the March 22, 2016 Commission meeting. The facility's capacity is now 82 beds.

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

Submitted by:

*Christa Apstein* CFSE 3/10/16  
 (Preparer's Signature and Title, and Date)

Approved by:

*[Signature]* CFSE 3/10/16  
 (Signature Title and Date)

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IN THE MATTER OF THE  
NEW YORK CITY  
DEPARTMENT OF CORRECTION:  
ANNA M. KROSS CENTER

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Directive Issued by the New York  
State Commission of Correction  
Pursuant to Correction Law §46(4)

TO: Joseph Ponte  
Commissioner of Correction  
New York City Department of Correction  
75-20 Astoria Blvd.  
East Elmhurst, NY 11370

Heidi Grossman  
General Counsel  
New York City Department of Correction  
75-20 Astoria Blvd.  
East Elmhurst, NY 11370

**GREETINGS:**

The New York State Commission of Correction, having learned, upon information and belief, that the New York City Department of Correction at the Anna M. Kross Center fails to consistently post a correction officer within multiple occupancy housing areas which contain more than 20 inmates, fails to provide active supervision of inmates assigned to multiple occupancy housing areas, fails to furnish and utilize functioning mechanical or electrical time recording devices within inmate housing units, has determined that the New York City Department of Correction at the Anna M. Kross Center is currently violating or is about to violate the following minimum standard regulations relating to the management and affairs of a local correctional facility:

**9 NYCRR §7003.3(a)**

Active supervision shall be maintained in all facility housing areas, including multiple occupancy housing units, when any prisoners are confined in such areas but not secured in their individual housing units.

**9 NYCRR §7003.3(e)**

Whenever all prisoners are secured in their individual housing units and general supervision is maintained, mechanical or electrical time recording devices shall be used to record the performance of supervisory visits conducted pursuant to the requirements of this section.

**9 NYCRR §7003.3(f)**

The records resulting from the use of mechanical or electrical time recording devices shall be retained within the facility and reviewed periodically by the chief administrative officer.

The New York City Department of Correction at the Anna M. Kross Center, upon information and belief, is currently violating, or about to violate, the above minimum standard regulations relating to the management and affairs of a local correctional facility in that minimum levels of inmate supervision are not being maintained. Specifically, in multiple occupancy housing units that exceed twenty (20) inmates within the Anna M. Kross Center, security posts within such units routinely lack the continuous occupation of a correction officer. Furthermore, the inmate housing units of the Anna M. Kross Center lack functioning mechanical or electrical time recording devices, necessary to record the completion of required officer supervisory visits of inmates, secured in their individual housing units while general supervision is performed. Absent functioning mechanical or electrical time recording devices, required records from these devices are not maintained by the Department of Correction, nor are such records periodically reviewed by the Chief Administrative Officer of the Anna M. Kross Center.

**WHEREAS**, the State Commission of Correction is an independent body charged by its constitutional and statutory mandates with oversight and regulatory responsibility for all State and local correctional facilities within New York State; and

**WHEREAS**, pursuant to subdivision (4) of section 46 of the Correction Law, in any case where a minimum standard regulation or statute relating to the management and affairs of a local correctional facility is being or is about to be violated, the State Commission of Correction shall notify the person in control of the facility, recommend remedial action, and direct such person to comply with the statute, rule or regulation; and

**WHEREAS**, the above violations were brought to the attention of the New York City Department of Correction by Commission staff during site evaluations on November 19, 2014, December 4, 2014 and February 25, 2015, and thereafter via correspondence dated June 16, 2015; and

**WHEREAS**, the New York City Department of Correction, upon information and belief, continues to violate the above minimum standard regulations relating to the management and affairs of a local correctional facility; it is hereby

**RECOMMENDED**, that the New York City Department of Correction undertake remedial action at the Anna M. Kross Center by adequately supervising the inmates assigned to multiple occupancy housing areas by assigning a correction officer to continuously occupy a security post within any such unit that houses more than 20 inmates, and by installing functioning mechanical or electrical time recording devices in all housing areas; and you are hereby

**ORDERED AND DIRECTED** to maintain the active supervision of inmates within a multiple occupancy housing unit by assigning a correction officer to continuously occupy a security post within any such unit in which more than twenty (20) inmates are housed; and you are further

**ORDERED AND DIRECTED** to install, maintain and utilize functioning mechanical or electrical time recording devices to record the completion of each required supervisory visit whenever all prisoners are secured in their individual housing units and general supervision is performed; and you are further

**ORDERED AND DIRECTED** that the facility's chief administrative officer retains and periodically reviews the printed records of the mechanical or electrical time recording devices to verify that officers are properly completing their required prisoner supervisory rounds; and you are further

**ORDERED AND DIRECTED** that the Commissioner of the New York City Department of Correction submit to the State Commission of Correction, within thirty (30) days of the date of this **DIRECTIVE**, documentation substantiating compliance with this **DIRECTIVE**.

**PLEASE TAKE NOTICE**, that non-compliance with this **DIRECTIVE** may result in an application by the State Commission of Correction to the Supreme Court of the State of New York for an order directing such compliance.

STATE COMMISSION OF CORRECTION

By:

\_\_\_\_\_  
Thomas A. Beilein, Chairman

\_\_\_\_\_  
Date

\_\_\_\_\_  
Phyllis Harrison-Ross, M.D., Commissioner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Thomas J. Loughren, Commissioner

\_\_\_\_\_  
Date