



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

CHAIRMAN
Thomas A. Beilein

COMMISSIONER
Phyllis Harrison-Ross, M.D.

MEMORANDUM

TO: COMMISSION MEMBERS
FROM: Michael Donegan, Counsel 
RE: AGENDA FOR COMMISSION MEETING
DATE: April 16, 2013 at 11:45AM

I. MINUTES

SCOC
March 19, 2013

CPCRC
April 11, 2013

MRB
Administrative Closures

II. VARIANCES

- A. Monroe County Correctional Facility**
07-V-01
(Section 7040.3 Facility Population Limitation)
- B. Monroe County Correctional Facility**
98-V-20
(Section 7040.3 Facility Population Limitation)
- C. Onondaga County Penitentiary**
02-V-10
(Section 7040.3 Facility Population Limitation)

- D. Onondaga County Penitentiary**
98-V-16
(Section 7040.3 Facility Population Limitation)

III. CONSTRUCTION

- E. Anna M. Kross Center**
Law Library Modification
- F. Manhattan Detention Center**
Manhattan Criminal Court Centcell Project
- G. New York City Department of Correction**
Renovation and Reconstruction of the
Donald Cranston Judicial Center (DCJC) on Riker's Island
- H. Ocean Beach Police Department**
Temporary Holding Facility-Trailer
- I. Scotia Police Department**
Removal of Cell

IV. REGULATORY AGENDA

- J. Five Year Review**



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CHAIRMAN
Thomas A. Beilein

COMMISSIONER
Phyllis Harrison-Ross, M.D.

MINUTES

LOCATIONS:

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

The Division of Criminal Justice Services
65 Court Street
Buffalo, NY

633 Third Avenue, 33rd Floor
New York, NY

DATE OF MEETING: March 19, 2013

Chairman Beilein called the meeting to order at 11am.

PRESENT:

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

I. MINUTES

SCOC
February 20, 2013

Approved Unanimous
Ross/Beilein

CPCRC Approved Unanimous
March 14, 2013 Ross/Beilein

MRB Approved Unanimous
March 7, 2013 Ross/Beilein

Administrative Closures Approved Unanimous
Ross/Beilein

II. VARIANCES

A. Livingston County Jail Denied Unanimous
13-V-01 Ross/Beilein
(Section 7040.3 Facility Population Limitation)

B. Onondaga Justice Center Approved Unanimous
13-V-03 Six (6) Months
(Section 7040.3 Facility Population Limitation) Ross/Beilein

C. Suffolk County Sheriff's Office – Yaphank Approved Unanimous
95-V-09 Ross/Beilein
(Section 7040.3 Facility Population Limitation) *(Granted until April 15, 2013 then on April 22, 2013 variance terminated as the new part of the Yaphank Facility)*

D. Suffolk County Sheriff's Office – Yaphank Approved Unanimous
99-V-11 One (1) Year
(Section 7040.3 Facility Population Limitation) Ross/Beilein

E. Suffolk County Sheriff's Office – Yaphank Approved Unanimous
05-V-02 *(Granted until April 29, 2013 at which time variance will be terminated and will be re-issued as 13V02.*
(Section 7040.3 Facility Population Limitation) Ross/Beilein

F. Suffolk County Sheriff's Office – Yaphank Approved Unanimous
(New) Variance 13-V-02 One (1) Year
(Section 7040.3 Facility Population Limitation) Ross/Beilein

- G. Suffolk County Sheriff's Office - Riverhead** **Approved** **Unanimous**
 98-V-16 **One (1) Year**
 (Section 7040.3 Facility Population Limitation) **Ross/Beilein**
- H. Suffolk County Sheriff's Office - Riverhead** **Approved** **Unanimous**
 95-V-08 *(Granted until April 29, 2013*
 (Section 7040.3 Facility Population Limitation) *removing 7 day space beds*
in the pods (-49). After April
29, 2013 remaining beds will
be granted for 1 year-April
1, 2014)
Ross/Beilein
- I. Suffolk County Sheriff's Office - Riverhead** **Approved** **Unanimous**
 00-V-07 **One (1) Year**
 (Section 7040.3 Facility Population Limitation) **Ross/Beilein**

III. MFC

- J. Eastern Correctional Facility** **Approved** **Unanimous**
Ross/Beilein
- K. Erie County Holding Center** **Approved** **Unanimous**
Ross/Beilein
- L. Green Haven Correctional Facility** **Approved** **Unanimous**
Ross/Beilein
- M. Shawangunk Correctional Facility** **Approved** **Unanimous**
Ross/Beilein
- N. Sing Sing Correctional Facility** **Approved** **Unanimous**
Ross/Beilein
- O. Suffolk County Sheriff's Office-Riverhead** **Approved** **Unanimous**
Ross/Beilein
- P. Suffolk County Sheriff's Office - Yaphank** **Approved** **Unanimous**
(Approved 4 MFC Re-
formulations as follows:
April 6-12, 2013
April 13-19, 2013
April 20-26, 2013
April 27, 2013
Ross/Beilein



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STATE COMMISSION OF CORRECTION
Alfred E. Smith State Office Building
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Albany, New York 12210
(518) 485-2346
FAX (518) 485-2467

CHAIRMAN
Thomas A. Beilein

COMMISSIONER
Phyllis Harrison-Ross, M.D.

EXECUTIVE SESSION

LOCATIONS:

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

The Division of Criminal Justice Services
65 Court Street
Buffalo, NY

633 Third Avenue, 33rd Floor
New York, NY

DATE OF MEETING: March 19, 2013

PRESENT:

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

Commissioner Ross made a motion to go into executive session at 11:19am to discuss Construction and MRB items, which was seconded by Chairman Beilein.

Commissioner Ross made a motion to exit Executive Session and return to general session at 12:10pm, which was seconded by Chairman Beilein.

The meeting resumed at 12:10pm. Motion was made by Commissioner Ross to ratify actions taken in Executive Session regarding MRB and Construction items, seconded by Chairman Beilein and approved.

Commissioner Ross made a motion to adjourn at 12:11pm, which was seconded by Chairman Beilein.

Respectfully submitted,

Tricia Amati
Assistant to Chairman/Commissioner

Name of Facility: **Monroe County Jail** Variance # **07-V-01**

New: Renewal:

Relief from Standard: 7040.3

Application by: Sheriff Patrick O'Flynn

Date Request Rec: 4/8/13

Last Approved: 4/12 Length of Approval: 1 Year

Expiration: 5/13

Write-up Prepared by: Keith Zobel

Recommendation by Field Staff: Approve for One year

Recommendation at Briefing:

Final Recommendation:

SUMMARY OF VARIANCE REQUEST

The beds are only used as needed when there are fluctuations in the facility's population. This allows the facility to do so without compromising safety and security.

RECOMMENDED CONDITIONS

- 1) That the maximum number of variance beds in the A and B dormitory of the Public Safety Building shall not exceed 20.
- 2) That inmates who are housed in the above-noted areas must be provided with a bunk, cot, or at a minimum a boat to be used as a bed, along with clean bedding, pursuant to Section 7005.9 of Minimum Standards.
- 3) That "active supervision" must be provided on a 24-hour basis, pursuant to 9NYCRR Section 7003.2(c) of Minimum Standards.
- 4) That inmates housed in the above-noted areas receive the same services and programs as the general population.
- 5) That the county shall not exceed the rated MFC for the purpose of boarding inmates. The Commission does not approve variances for the purpose of generating revenue.

VARIANCE HISTORY

2012 Recommendation Action Taken Approval
Approved at 4/17/12 Meeting
Length of Variance 1 year

2011 Recommendation Action Taken Approval
Approved at 4/19/11 Meeting
Length of Variance 6 months

Conditions, if changed:

Based on need for additional variance beds, Monroe County submitted revised application in April 2011 for 98-V-20 seeking additional variance beds at the correctional facility (pen). The additional beds requested are necessary in order to move inmates currently housed in those areas that are to be closed down in order to begin the work on upgrading security windows. The window upgrading project came about as a result of March, 2011 escape of two inmates. In order to have 07-V-01 running simultaneous to 98-V-20, the county resubmitted 07-V-01 in April so that its consideration for extension by the Commission would come about at the same time as 98-V-20.

2010 Recommendation Action Taken Approval
Approved at 7/10 Meeting
Length of Variance 1 Year
Conditions, if changed

2009 Recommendation Approval
Action Taken Approved at 7/09 Meeting
Length of Variance 1 Year
Conditions, if changed

2008 Recommendation Approval
Action Taken Approved at 7/08 Meeting
Length of Variance 1 Year
Conditions, if changed

2008 Recommendation Approval
Action Taken Approved at 1/08 Meeting
Length of Variance 6 Months
Conditions, if changed

CONSTRUCTION/RENOVATION PLANS

The facility has recently completed all renovation projects that modified the housing units Mezz A-D and Street Plaza. Currently there are no plans to add any additional beds

OTHER VARIANCES IN EFFECT – 98-V-20

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

Visited on 3/26/13. The facility is observing all conditions set forth in 07-V-01.

DATE OF LAST IFP VISIT THAT STANDARD VIOLATIONS WERE IDENTIFIED:

March 2013

ANY OPEN MINIMUM STANDARD VIOLATIONS:

See the escape report: follow-up on corrective action continues

ANY VIOLATIONS WHICH PERTAIN TO THE VARIANCE'S CONDITIONS:

N/A

JUSTIFICATION FOR WHY VARIANCE SHOULD OR SHOULD NOT BE EXTENDED:

The need for this variance still exists, given the fluctuation of the inmate population. It provides much needed flexibility.

REVIEWED BY REGIONAL SUPERVISOR:

TM DATE: *4/9/13* *Ra* *4/10/13*

OFFICIAL USE ONLY:

NOTES OF MEETING: _____

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

Memorandum

From: Chairman Thomas A. Beilein
2013

Date: April 10,

Access Number:

To: Jim Lawrence
Michael Donegan
Richard Kinney

Sender: Sheriff Patrick O'Flynn

Agency: Monroe County Sheriff's Office

Date Original Received: 4/10/13

Re: 07V01

Document Description: Variance Application

Chairman's Comments:

4-10-13 Emailed.

Routing Information

Regional Supervisor: Moran

CC:

Amati, Patricia (SCOC)

From: EKrenzer@monroecounty.gov
Sent: Monday, April 08, 2013 4:19 PM
To: Amati, Patricia (SCOC)
Subject: Variance Renewal - 4-8-2013
Attachments: Variance Request - No. 07-V-01 PSB + 20 4-8-2013.pdf

Major Edward Krenzer

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

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

Thomas A. Beilein
Chairman

Variance Application Form

INSTRUCTIONS TO SHERIFF OR CHIEF ADMINISTRATIVE OFFICER:

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

Facility: Monroe County Jail

Person requesting: Patrick M. O'Flynn

(Sheriff/Chief Administrative Officer)

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

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

Standard for which the variance is requested:

Part: 7040 Section: 3 Subdivision: n/a

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

This variance extension is specific to the PSB A & B Dormitory of the Monroe County Jail. Conditions in the PSB currently comply with NYSCOC requirements.

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

This variance will provide necessary space to flex increased inmate population temporarily into until standard housing areas become available. The use of this area is cost effective as there are currently (2) deputy jailors assigned.

- 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).

N/A

G. Has this variance been previously approved?

Yes

If yes, include the variance number 4-17-2012 No 07-V-01

Patrick M. O'Higgins

4-8-2013

Signature (Sheriff) (Chief Administrative Officer)

Date

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

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

Name of Facility: **Monroe County CF** Variance # **98-V-20**

New: Renewal:

Relief from Standard: 7040.3

Application by: Sheriff Patrick O'Flynn

Date Request Rec: 3/5/13

Last Approved: 4/12 Length of Approval: 1 year Expiration: 5/13

Write-up Prepared by: Keith Zobel

Recommendation by Field Staff: Approve for 1 year.

Recommendation at Briefing:

Final Recommendation:

SUMMARY OF VARIANCE REQUEST

This is a request to extend 98-V-20:

1. The variance currently authorizes the county to house 50 inmates in the gymnasium, an additional 15 inmates in the 800 unit, and an additional 15 inmates in the 900 housing unit.

RECOMMENDED CONDITIONS

1. That the maximum number of inmates housed in these areas does not exceed the authorized variance numbers (Gymnasium (50), 900 Unit (15), and 800 Unit (15).
2. The placement of double bunks or beds in the 800 and 900 Unit should be arranged as close to the officer's station as possible without jeopardizing the sight lines to the remainder of the housing unit.
3. That inmates who are housed in the above-noted areas must be provided with a bunk, cot, or at a minimum a boat to be used as a bed, along with clean bedding, pursuant to Section 7005.9 of Minimum Standards.
4. That "active supervision" must be provided on a 24-hour basis, pursuant to 9NYCRR Section 7003.2(c) of Minimum Standards.
5. That inmates housed in the above-noted areas receive the same services and programs as the general population.
6. That the county shall not exceed the rated MFC for the purpose of boarding inmates. The Commission does not approve variances for the purpose of generating revenue.

VARIANCE HISTORY

2012 Recommendation Approval
12 months

2011 Recommendation Approval
Action Taken Approved at 4/19/11 Meeting
Length of Variance 6 months

Conditions, if changed:

Based on a need for additional variance beds, Monroe County submitted a revised application in April 2011 for 98-V-20, in which it sought to add variance beds at the correctional facility (pen). These additional beds were determined necessary in order to move inmates housed in areas that were to be temporarily closed in

SCOC VARIANCE WRITE-UP FORM: EFFECTIVE JANUARY 2010

order to commence with window upgrade project. The need for the window replacements came about as a result of March, 2011 escape of two inmates.

2010	Recommendation Action Taken Length of Variance	Approval Approved at 7/10 Meeting 1 Year
2009	Recommendation Action Taken Length of Variance Conditions, if changed	Approval Approved at 7/09 Meeting 1 Year
2008	Recommendation Action Taken Length of Variance Conditions, if changed	Approval Approved at 7/08 Meeting 1 Year
2008	Recommendation Action Taken Length of Variance Conditions, if changed	Approval Approved at 1/08 Meeting 6 Months
2007	Recommendation Action Taken Length of Variance Conditions, if changed	Approval Approved at 8/07 Meeting 6 months
2007	Recommendation Action Taken Length of Variance Conditions, if changed	Approval Approved at 2/07 Meeting 6 months

CONSTRUCTION/RENOVATION PLANS

The Commission previously approved a project for the construction of a new booking area at the Correctional Facility. Work on this project has yet to commence. Currently there are no plans to add any additional beds. The beds in the gymnasium are needed to keep the weekend population away from the rest of the population. The additional beds in 800/900 are needed to manage spikes in the population throughout the year.

OTHER VARIANCES IN EFFECT – 97-V-01

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

Visited on 3-26-13. The facility is observing all conditions set forth in 98-V-20.

DATE OF LAST CYCLE VISIT THAT STANDARD VIOLATIONS WERE IDENTIFIED:

3/13

ANY OPEN MINIMUM STANDARD VIOLATIONS:

See Escape report

ANY VIOLATIONS WHICH PERTAIN TO THE VARIANCE'S CONDITIONS:

None

JUSTIFICATION FOR WHY VARIANCE SHOULD OR SHOULD NOT BE EXTENDED:

The need for this variance still exists, given the fluctuation of the inmate population. The variance should be approved for 1 year.

REVIEWED BY REGIONAL SUPERVISOR:

TM DATE: 4/9/13

RL 4/10/13

OFFICIAL USE ONLY:

NOTES OF MEETING: _____

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

Memorandum

From: Chairman Thomas A. Beilein
2013

Date: March 20,

Access Number:

CAB

To: Jim Lawrence
Michael Donegan
Richard Kinney

Sender: Sheriff Patrick O'Flynn

Agency: Monroe County Sheriff's Office

Date Original Received: 3/20/13

Re: Variance-98V20

Document Description: Letter and Variance Application

Chairman's Comments:

Routing Information

Regional Supervisor: Moran

CC:



Office of the Sheriff Monroe County

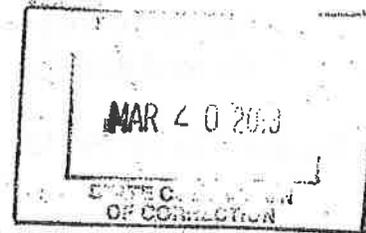
Patrick M. O'Flynn
SHERIFF

William E. Sanborn
UNDERSHERIFF

130 SOUTH PLYMOUTH AVENUE, ROCHESTER, NEW YORK 14614 • PHONE (585) 753-4178

March 12th, 2013

New York State
Commission of Correction
Alfred E. Smith State Office Building
80 S. Swan Street, 12th Floor
Albany, New York 12210



Attn: Thomas A. Beilein
Chairman.

Re: Variance Extension Applications – No. 98-V-20

Dear Chairman Beilein,

I am requesting an extension for variance 98-V-20.

We are in compliance with the conditions outlined in these applications.

Thank you for your consideration in this matter.

If you have any questions, please feel free to contact me.

Sincerely,
Patrick M. O'Flynn, Sheriff

By Major Edward Krenzer

XC: Superintendent Ronald Harling



"Respect, Integrity, Teamwork, Excellence"
WWW.MONROECOUNTYSHERIFF.INFO





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

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

Thomas A. Beilein
Chairman

Variance Application Form

INSTRUCTIONS TO SHERIFF OR CHIEF ADMINISTRATIVE OFFICER:

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

Facility: Monroe Correctional Facility

Person requesting: Sheriff Patrick M. O'Flynn

(Sheriff/Chief Administrative Officer)

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

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

Standard for which the variance is requested:

Part: 7040 Section: 3 Subdivision: n/a

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

This variance extension is specific to the Gym, 800 & 900 Units at the Monroe Correctional Facility. Conditions in these areas currently comply with NYSCOC requirements.

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

This variance provides flexibility to house either general population or intermittent (W/E) weekend prisoners. This variance has been approved in the past to reduce the exposure to contraband (W/E)s.

- 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).

N/A

G. Has this variance been previously approved?

Yes

If yes, include the variance number 4-17-2012 No 98-V-20

Patrick M. O'Hara

3-12-2013

Signature (Sheriff) (Chief Administrative Officer)

Date

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

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

Name of Facility: Onondaga County Penitentiary

Variance # 02-V-10

New:

Renewal: X

Relief from Standard #7040.3 Application by: Comm. T. Cowin

Date rec.: 02/28/13

Beds at standard: 512

Beds Requested This Variance: 36

Total Variance Beds This Facility: 52

Current Population: 451 (03/05/13) 80.0%

Last Approved: 04/17/12

Length of Approval: 1 year

Expiration: 05/01/13

Field Staff Recommendation: Approval Length Recommended: 1 year By: D'Alessandro

Senior Staff Recommendation: Approval

Length Recommended: 1 year

SUMMARY OF VARIANCE REQUEST

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

RECOMMENDED CONDITIONS

At the April 16, 2013 Commission Meeting this variance will be presented before the Commission. Commission staff recommend that the following conditions be included in the approval letter regarding this variance.

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

<u>Housing Unit</u>	<u>Cells</u>	<u>MFC</u>	<u>Increase</u>	<u>Total</u>
2A	12-15	16	4	20
2	17-24	32	8	40
3	17-24 & 27-30	48	12	60
4	7, 8, 17-24, 33, 34	48	12	60

- 2) That inmates housed in the above-noted areas *must* be provided with a bunk to be used as a bed.
- 3) That active supervision must be provided on a 24-hour basis, pursuant to 9NYCRR Section 7003.2(c) when inmates are housed in any of the above-noted areas.
- 4) That inmates housed in these areas receive the same services and programs as the general population.

- 5) That Commission staff monitor the effects of the double-celling program on staff and inmates as well as the general operation of the facility.
- 6) That the facility maintain information on all double-celled inmates, which shall include, but is not limited to: (a) name and location of the inmate; (b) date of entrance into and release from double-celling; and (c) reason for release. These records shall be made available to Commission staff upon request.
- 7) That the facility will monitor its double-celling plan by tracking rates of incidents, grievances, and complaints directly related to double-celling. These records shall be made available to Commission staff upon request.
- 8) That the county shall continue its double-celling according to the double-celling plan submitted and approved by the Commission. That the county shall advise the Commission of any substantive changes to the double-celling plan.
- 9) That the county *must* comply with the rated capacity of **564** for the Onondaga County Penitentiary. When the county experiences an overflow, inmates *must* be boarded-out to other counties.
- 10) That the county shall not exceed the rated MFC for the purpose of boarding inmates. The Commission does not approve variances for the purpose of generating revenue.

HISTORY

2012-	Recommendation Action Taken Length of Variance Conditions, if changed:	Approval Approved at 4/12 Meeting 1 year
2011-	Recommendation Action Taken Length of Variance Conditions, if changed:	Approval Approved at 8/11 Meeting 9 months
2010-	Recommendation Action Taken Length of Variance Conditions, if changed:	Approval Approved at 8/10 Meeting 1 year
2009-	Recommendation Action Taken Length of Variance Conditions, if changed:	Approval Approved at 8/09 Meeting 1 year
2008-	Recommendation Action Taken Length of Variance Conditions, if changed:	Approval Approved at 8/08 Meeting 1 year
2007-	Recommendation Action Taken Length of Variance Conditions, if changed:	Approval Approved at 8/07 Meeting 1 year

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

FACILITY SITE VISIT

Last reviewed for this variance on: 02/13

By: Todd D'Alessandro

Outstanding issues:

None

Open violations that relate to the variance request:

None

CONSTRUCTION/RENOVATION PLANS

Construction progress, if building additional capacity: N/A

OTHER VARIANCES IN EFFECT

Variance 95-V-18: This variance allows the penitentiary to sell Rx in the commissary.

Variance 96-V-32: This variance allows inmates at the penitentiary to possess Rx.

Variance 99-V-16: This variance allows the penitentiary to house an additional 16 inmates.

MISCELLANEOUS

None

Regional Supervisor: _____



Date: _____

4/10/13

02-V-10



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

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

Thomas A. Beilein
Chairman

Variance Application Form

INSTRUCTIONS TO SHERIFF OR CHIEF ADMINISTRATIVE OFFICER:

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

Facility: Onondaga County Department of Correction

Person requesting: Timothy H. Cowl, Commissioner

(Sheriff/Chief Administrative Officer)

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

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

Standard for which the variance is requested:

Part: 7040 Section: 3 Subdivision: N/A

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

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

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

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

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

_____ Days _____ Weeks 12 Months

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

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

G. Has this variance been previously approved?

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

Timothy A. Lawrence

2/25/13

Signature (Sheriff) (Chief Administrative Officer)

Date

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

Name of Facility	Onondaga County Penitentiary	Variance #	99-V-16
New:		Renewal:	X
Relief from Standard # 7040.3	Application by: Commissioner Cowin	Date rec.:	02/28/13
Beds at standard: 512	Beds Requested This Variance: 16		
Total Variance Beds This Facility: 52	Current Population: 451 (03/05/13)	80.0%	
Last Approved: 04/12	Length of Approval: 1 year	Expiration:	05/01/13
Field Staff Recommendation: Approval	Length Recommended: 1 year	By:	D'Alessandro
Senior Staff Recommendation: Approval	Length Recommended: 1 year		

SUMMARY OF VARIANCE REQUEST

Commissioner Cowin is requesting an extension of this variance, which authorizes the penitentiary to house an additional 16 inmates, 8 in Unit #1 A-Section and 8 in Unit #1 C-Section.

RECOMMENDED CONDITIONS

At the April 16, 2013 Commission Meeting this variance will be presented before the Commission. Commission staff recommends that the following conditions be included in the approval letter regarding this variance.

- (1) That the penitentiary is authorized to house eight (8) additional inmates in the day space of Unit # 1 A Section and eight (8) additional inmates in the day space of Unit # 1 C Section for a total of sixteen (16) variance beds.
- (2) That one (1) cell be left vacant on the flagging areas of Unit #1 so that inmates housed on the flaggings have direct access to a toilet and sink.
- (3) That inmates housed on the flaggings **must** be provided with a bunk, cot, or at a minimum a 'boat' to be used as a bed.
- (4) That "active supervision" must be provided on a 24-hour basis, pursuant to 9NYCRR Section 7003.2c.
- (4) That inmates housed in the above-noted areas receive the same services and programs as the general population.
- (6) That the county shall not exceed the rated MFC for the purpose of boarding inmates. The Commission does not approve variances for the purpose of generating revenue.

HISTORY

2012	Recommendation Action Taken Length of Variance Conditions, if changed:	Approval Approved at 4/12 Meeting 1 year
2011	Recommendation Action Taken Length of Variance Conditions, if changed:	Approval Approved at 8/11 Meeting 9 months
2010	Recommendation Action Taken Length of Variance Conditions, if changed:	Approval Approved at 8/10 Meeting 1 year
2009	Recommendation Action Taken Length of Variance Conditions, if changed:	Approval Approved at 8/09 Meeting 1 year
2008	Recommendation Action Taken Length of Variance Conditions, if changed:	Approval Approved at 8/08 Meeting 1 year
2007	Recommendation Action Taken Length of Variance Conditions, if changed:	Approval Approved at 8/07 Meeting 1 year

FACILITY SITE VISIT

Last reviewed for this variance on: 02/13 *By:* Todd D'Alessandro

Outstanding issues: None.

Open violations that relate to the variance request: None

CONSTRUCTION/RENOVATION PLANS

Construction progress, if building additional capacity. N/A

OTHER VARIANCES IN EFFECT

95-V-18 - (PERM) This variance authorizes the penitentiary to cell certain over-the-counter medications through the facility's commissary.

96-V-32 - (PERM) This variance authorizes the penitentiary to allow inmates to have a 7-day supply of certain medications in their possession.

02-V-10 - This variance authorizes the penitentiary to double cell for an additional (36) beds.

MISCELLANEOUS

None

Regional Supervisor: _____  Date: ~~4/11/13~~

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

Memorandum

From: Chairman Thomas A. Beilein
2013

Date: March 4,

Access Number:

To: Jim Lawrence
Michael Donegan
Richard Kinney

Sender: Commissioner Timothy Cowin

Agency: Onondaga County Department of Correction

Date Original Received:

Re: Variance

Document Description: Variance Application

— 99-V-16

Chairman's Comments:

Routing Information

Regional Supervisor: Savoy



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

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

Thomas A. Beilein
Chairman

Variance Application Form

INSTRUCTIONS TO SHERIFF OR CHIEF ADMINISTRATIVE OFFICER:

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

Facility: Onondaga County Department of Correction

Person requesting: Timothy H. Cowin, Commissioner

(Sheriff/Chief Administrative Officer)

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

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

Standard for which the variance is requested:

Part: 7040 Section: 3 Subdivision: N/A

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

One cell is left vacant in A and C sections, so that inmates have access to a toilet and sink. All inmates are provided a bunk. Active Supervision is performed 24 hours per day. Inmates receive the same services as all others in General Population. Variance limits are never exceeded.

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

The variance will continue to allow the flexibility in effectively managing our inmate population. The bunks are used primarily for intake inmates while being oriented, and subsequently classified.

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).

Current operations in this area continue to provide excellent fiscal sense. Due to frequent fluctuations in our maximum facility capacity, this area continues to prove valuable. We report no problems or complaints while utilizing these bunks. Inmates are here for a minimum amount of time. At this present time, the facility wishes to maintain usage of this area.

G. Has this variance been previously approved?

Yes X If yes, include the variance number 99-V-16 No

Timothy A. Lowrie

2/25/13

Signature (Sheriff) (Chief Administrative Officer)

Date

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

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

STATE COMMISSION OF CORRECTION
FIVE YEAR REVIEW OF RULES ADOPTED BY THE
STATE COMMISSION OF CORRECTION IN CALENDAR YEARS 1998, 2003 and 2008
REQUIRED TO BE REVIEWED IN
CALENDAR YEAR 2013

As required by Chapter 262 of the Laws of 1996, the following is a list of rules which were adopted by the State Commission of Correction in calendar years 1998, 2003 and 2008 which must be reviewed in calendar year 2013. Public comment on the continuation or modification of these rules is invited. Comments should be received by April 1, 2013. Comments may be directed to: Brian Callahan, Office of Counsel, A.E. Smith State Office Building, 80 S. Swan Street, 12th Floor, Albany, New York 12210-8001.

CMC-52-97-00006 Amendment of sections 7040.5 and 7621.6(c) of Title 9
NYCRR

Analysis of the need for the rule: The rule is needed to provide greater flexibility regarding the number of toilets, sinks, and showers that must be provided in multiple occupancy housing areas and conform minimum square footage requirements.

Legal basis for the rule: Correction Law section 45(6).

CMC-37-98-00001 Amendment of sections 7004.6 and 7025.4 of Title
9 NYCRR

Analysis of the need for the rule: The rule is needed to provide local correctional facility administrators with greater flexibility regarding the disposition of contraband found in incoming correspondence and packages.

Legal basis for the rule: Correction Law section 45(6).

CMC-07-98-00005 Amendment of section 7006.8(a) and (h) of Title
9 NYCRR

Analysis of the need for the rule: The rule is needed to extend the time frames for conducting disciplinary hearings and to clarify that an inmate must receive a hearing within 15 days of receipt of a misbehavior report and must receive at least 24 hours prior written notice of the hearing.

Legal basis for the rule: Correction Law section 45(6).

CMC-19-98-00015 Amendment of sections 7006.9(a) and 7008.3(a) of
Title 9 NYCRR.

Analysis of the need for the rule: The rule is needed to authorize restriction of a portion of an inmate's weekly visitation time as a sanction for misbehavior.

Legal basis for the rule: Correction Law section 45(6).

CMC-07-98-00006 Amendment of section 7008.4 of Title 9 NYCRR.

Analysis of the need for the rule: The rule is needed to specify that initial visits are non-contact visits.

Legal basis for the rule: Correction Law section 45(6).

CMC-24-98-00024 Amendment of section 7013.8(a) and (b); repeal of
Section 7013.9; and addition of new section 7013.9

Analysis of the need for the rule: The rule is needed to reduce the instances in which an inmate's classification status must be reviewed and provide greater flexibility regarding the housing of inmates pending completion of classification.

Legal basis for the rule: Correction Law sections 45(6) and 500-(b)(6).

CMC-13-98-00003 Repeal of Part 7014 of Title 9 NYCRR.

Analysis of the need for the rule: The rule is needed to repeal

unnecessary provisions.

Legal basis for the rule: Correction law section 45(6).

CMC-13-98-00002 Repeal of Part 7017 and addition of new Part 7017 to
Title 9 NYCRR.

Analysis of the need for the rule: The rule is needed to streamline the requirements of Part 7017 and eliminate unnecessary provisions.

Legal basis for the rule: Correction Law section 45(6) and (9).

CMC-11-98-00005 Amendment of section 7032.5(d) of Title 9 NYCRR.

Analysis of the need for the rule: The rule is needed to streamline the internal operations of the Citizens' Policy and Complaint Review Council in order to improve the timeliness of its determinations.

Legal basis for the rule: Correction Law sections 42(b)(1) and 45(6).

CMC-28-98-00004 Amendment of section 7040.5 of Title 9 NYCRR.

Analysis of the need for the rule: The rule is needed to make technical conforming changes.

Legal basis for the rule: Correction Law section 45(6).

CMC-04-98-00005 Amendment of sections 7003.3, 7003.4, 7003.6, 7009.1,
7009.5, 7010.2, 7010.5, 7013.2, 7013.9, 7028.3, 7040.4,
7064.4, 7064.8, 7070.2, 7070.6, 7200.2, 7200.3,
7200.6, 7400.4, 7400.6, 7400.11, 7602.4, 7602.5 and
7651.3 of Title 9 NYCRR.

Analysis of the need for the rule: The rule is needed to make technical corrections to various provisions of the Commission's regulations.

Legal basis for the rule: Correction Law section 45(6).

