



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: May 20, 2014 at 11:00AM

I. MINUTES

SCOC

April 15, 2014

“Special” Commission Meeting

May 7, 2014

CPCRC

May 8, 2014

MRB

Administrative Closures

II. VARIANCES

A. Erie County Penitentiary

13-V-04

(Section 7049.3 Facility Population Limitation)

B. Herkimer County Jail

06-V-05

(Section 7028 Exercise)

C. Tompkins County Jail

09-V-04

(Section 7040.3 Facility Population Limitation)

III. MFC

D. Cortland County Jail
MFC Reformulation

E. Jefferson County Jail
MFC Reformulation

IV. CONSTRUCTION

F. Dutchess County Jail
Conversion of Program Room Into Medical Examination Rooms

G. Jefferson County Jail
Conversion of Indoor Exercise Area Into Dormitory

H. Wende Correctional Facility-NYS DOCCS
Replace Heating System and Security Windows Building 7 & 8



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MINUTES

LOCATION:

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

DATE OF MEETING: April 15, 2014

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

PRESENT:

- Thomas A. Beilein, Chairman**
- Phyllis Harrison-Ross, M.D., Commissioner**
- Thomas J. Loughren, Commissioner**
- Tricia Amati, Assistant to Chairman/Commissioners**
- Brian Callahan, Counsel**
- Jim Lawrence, Director of Operations**
- Rich Kinney, Deputy Director of Operations**
- Peggy Loffredo, Forensic Unit, Supervisor**
- Bill Benjamin, South Central, Supervisor**
- Steve Savoy, Hudson Lakes, Supervisor**
- Robert Cuttita, CFS II**
- Walter McClure, Deputy Director of Public Information**
 New York State Division of Criminal Justice Services

I. MINUTES

<p>SCOC March 18, 2014</p>	<p>Approved Unanimous Ross/Loughren</p>
<p>CPCRC April 15, 2014</p>	<p>Approved Unanimous Loughren/Ross</p>
<p>MRB Administrative Closures</p>	<p>Approved Unanimous Ross/Loughren</p>

II. VARIANCES

- | | |
|---|--|
| A. Greene County Jail
(New) 14-V-02
(Section 7028.4(b) Exercise Area
and Equipment) | Approved Unanimous
Three (3) Months
Ross/Loughren |
| B. Onondaga Penitentiary
99-V-16
(Section 7040.3 Facility Population
Limitation) | Approved Unanimous
One (1) Year
Loughren/Ross |
| C. Onondaga Penitentiary
02-V-10
(Section 7040.3 Facility Population
Limitation) | Approved Unanimous
One (1) Year
Loughren/Ross |
| D. Saratoga County Jail
08-V-05
(Section 7040.3 Facility Population
Limitation) | Approved Unanimous
One (1) Year
Ross/Loughren |
| E. Suffolk County – Riverhead
95-V-08
(Section 7040.3 Facility Population
Limitation) | Approved Unanimous
Four (4) Months
Loughren/Ross |
| F. Suffolk County – Riverhead
98-V-16
(Section 7040.3 Facility Population
Limitation) | Approved Unanimous
Four (4) Months
Loughren/Ross |

III. MFC

- | | |
|---|---|
| G. Greene County Jail
MFC Reformulation | Approved Unanimous
Ross/Loughren |
| H. Montgomery County Jail
MFC Reformulation | Approved Unanimous
Loughren/Ross |

IV. Construction

- | | |
|--|---|
| I. Sullivan Correctional Facility
Replace Access Doors Throughout Facility | Approved Unanimous
Ross/Loughren |
|--|---|

J. Wende Correctional Facility
Upgrade Observation Cells First Floor
Building No. 35

Approved Unanimous
Loughren/Ross

II. REGULATORY AGENDA

K. Five Year Review

Approved Unanimous
Loughren/Ross

Commissioner Ross made a motion to go into executive session at 11:28am to discuss Construction and MRB items, which was seconded by Commissioner Loughren.

Commissioner Ross made a motion to exit Executive Session and return to general session at 12:16pm, which was seconded by Commissioner Loughren.

The meeting resumed at 12:16pm. Motion was made by Commissioner Ross to ratify actions taken in Executive Session regarding MRB and Construction items, seconded by Commissioner Loughren and approved.

Commissioner Loughren made a motion to adjourn at 12:17pm, which was seconded by Commissioner Ross.

Respectfully submitted,

Tricia Amati
Assistant to Chairman/Commissioners



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CHAIRMAN
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COMMISSIONERS
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Thomas J. Loughren

**EXECUTIVE SESSION
LOCATION:**

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

DATE OF MEETING: April 15, 2014

PRESENT:

Thomas A. Beilein, Chairman
Phyllis Harrison-Ross, M.D., Commissioner
Thomas J. Loughren, Commissioner
Tricia Amati, Assistant to Chairman/Commissioners
Brian Callahan, Counsel
Jim Lawrence, Director of Operations
Rich Kinney, Deputy Director of Operations
Peggy Loffredo, Forensic Unit, Supervisor
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New York State Division of Criminal Justice Services

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Assistant to Chairman/Commissioners



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MINUTES
“Special” Commission Meeting

STATE COMMISSION OF CORRECTION

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

DATE OF MEETING: May 7, 2014

Chairman Beilein called the meeting to order at 3:15pm

PRESENT:

Thomas A. Beilein, Chairman
Thomas Loughren, Commissioner
Brian Callahan, General Counsel
Rich Kinney, Deputy Director of Operation
Terry Moran, Supervisor-Cap West
Deane McGeary, CFS II
Tricia Amati, Assistant to Chairman/Commissioners
Walter McClure, Deputy Director of Public Information
New York State Division of Criminal Justice Services

Part I 3:15pm

I. VARIANCE

A. **Cattaraugus County Jail** **Approved Unanimous**
 (Section 7041 Staffing Requirements) **Loughren/Beilein**

Commissioner Loughren made a motion to adjourn at 3:19pm, which was seconded by Chairman Beilein and approved.

Respectfully submitted,

Tricia Amati
Assistant to Chairman/Commission



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CHAIRMAN
Thomas A. Bellein

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

CITIZENS' POLICY AND COMPLAINT REVIEW COUNCIL

May 8, 2014

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

PRESENT:

Commissioner Thomas J. Loughren

Council Members:

Albany:

Tom Cross
Ted Hilscher
Nick LaBella Jr.

Williamsville:

Julie Scalione

Also Present:

Rich Kinney
Brian Callahan
Sara Loguercio

Commissioner Loughren opened the meeting at 11:00 a.m.

Commissioner Loughren asked for a motion to approve the minutes of the April 10, 2014 meeting. Tom Cross made a motion to approve the minutes and Ted Hilscher seconded. Carried.

Nick LaBella, Jr. and Julie Scalione, as the grievance sub-committee, reviewed the expedited grievances for the month of May 2014. Motions were made respectively to deny all of the expedited grievances. The motions were seconded by Tom Cross and Ted Hilscher respectively and unanimously passed.

Ted Hilscher reviewed the Expedited with Comment grievances for the month of May 2014 and made a motion to deny all of the grievances. The motion was seconded by Nick LaBella, Jr. and unanimously passed.

The Council reviewed the remaining grievances.

ACCEPT

14-LG-45778

Steuben CJ

Unanimous

ACCEPT IN PART

13-LG-37203

Chautauqua CJ

Unanimous

DENY WITH COMMENT

14-LG-44197

Erie HC

Unanimous

14-46099

Ontario CJ

Unanimous

14-LG-45473

14-LG-46301

Steuben CJ

Unanimous

14-LG-46305

14-LG-46458

Sullivan CJ

Unanimous

DENY

14-LG-44894

14-45233

Ontario CJ

Unanimous

REMOVED FROM AGENDA

14-LG-45914

Fulton CJ

ADMINISTRATIVE CLOSURES

DENY

14-LG-46725
14-LG-47081
Albany CJ Unanimous

14-LG-44177
Erie Unanimous

14-LG-46645
14-LG-47083
14-LG-47411
Monroe CJ Unanimous

14-LG-46040
14-LG-47262
14-LG-46273
Nassau CJ Unanimous

14-LG-46708
14-LG-46728
14-LG-47425
Onondaga CJ Unanimous

14-LG-47648
Orange CJ Unanimous

14-LG-47683
Rensselaer CJ Unanimous

14-LG-46453
14-LG-46454
14-LG-46683
St. Lawrence CJ Unanimous

14-LG-45461
14-LG-45459
Saratoga CJ Unanimous

14-LG-45594	
14-LG-45699	
14-LG-46062	
14-LG-46292	
14-LG-46293	
14-LG-46302	
14-LG-46475	
14-LG-46646	
14-LG-47257	
Steuben CJ	Unanimous
14-LG-47243	
Tompkins CJ	Unanimous
14-LG-47610	
Ulster CJ	Unanimous
14-LG-44874	
Warren CJ	Unanimous
14-LG-47078	
14-LG-47427	
Wayne CJ	Unanimous
14-LG-46281	
14-LG-46452	
14-LG-46502	
14-LG-46506	
14-LG-46507	
14-LG-46523	
14-LG-45662	
14-LG-46706	
14-LG-46727	
Westchester CJ	Unanimous
14-LG-45936	
Wyoming CJ	Unanimous
14-LG-45252	
14-LG-47256	
14-LG-45463	
14-LG-47406	
Yates CJ	Unanimous

SHAREPOINT DENY

46512
47068
47069
47070
Niagara CJ Unanimous

45412
47067
Ontario CJ Unanimous

47768
47766
47285
47304
47066
47305
47306
47423
47405
47767
Warren CJ Unanimous

DENY WITH COMMENT ADMINISTRATIVE CLOSURES

14-LG-46473
Madison CJ Unanimous

14-LG-45483
14-LG-44612
14-LG-45618
14-LG-45697
Steuben CJ Unanimous

13-LG-38543
Ulster CJ Unanimous

13-LG-40971
14-LG-46522
14-LG-44274
Westchester Unanimous

Sharepoint

44772

44858

45032

47303

Ontario CJ

Unanimous

Julie Scalion and Nick LaBella, Jr. will form the sub-committee for the next CPCRC meeting. Tom Cross will review the Expedited with Comment grievances for the next CPCRC meeting.

The next CPCRC meeting will be held on Thursday, June 12, 2014 at 11:00 a.m. at SCOC, AESOB 80 S. Swan Street, Albany, NY and at Williamsville, NY 14221

Commissioner Loughren requested a motion to adjourn the meeting which was made by Ted Hilscher, seconded by Doug Landon and carried. The meeting adjourned at 11:40 a.m.

Respectfully submitted,

Sara Loguercio
Secretary 1

Name of Facility: Erie County CF

Variance # 13-V-04

New: Renewal:

Relief from Standard: 7040.3

Application by: Superintendent Thomas Diina

Date Request Rec: 4-23-14

Last Approved: 11-19-13

Length of Approval: 6 Months

Expiration: 6-1-14

Write-up Prepared by: Terrence Moran

Recommendation by Field Staff: Approve for 6 months

Recommendation at Briefing:

Final Recommendation:

SUMMARY OF VARIANCE REQUEST

The facility is requesting continued authorization for 8 variance beds in the Joliet Dorm (female housing) at the Erie County Correctional Facility. The Erie County Holding Center continues to hold City of Buffalo Police Department female arrestees. These variance beds will provide the county sufficient space to transfer arraigned Erie County Sheriff's Office female inmates to the Correctional Facility, thus allowing for the housing of City of Buffalo Police Department arrestees at the Holding Center. The City of Buffalo and Erie County have agreed to continue the above-referenced housing arrangement at least until July 14, 2014. It should be noted that SCOC staff have been working with the City of Buffalo Police Department in designing a new female detention area within the City Court Building. Such project, if approved, would likely not be completed until late 2014 or early 2015. This will require further discussion between the City and County on the current housing arrangement.

RECOMMENDED CONDITIONS

Commission staff recommends that the following conditions be included in the approval letter regarding this variance, if the variance is approved.

1. The county is authorized to house eight (8) additional inmates in the Joliet Dormitory at the Erie County Correctional Facility, for a maximum of 56 inmates in that dormitory.
2. Inmates who are housed in the above-noted area *must* be provided with a bunk, cot, or at a minimum a boat to be used as a bed.
3. Active Supervision must be provided on a 24-hour basis, pursuant to 9NYCRR Section 7003.2(c).
4. Inmates housed in the above-noted areas receive the same services and programs as the general population.
5. 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.

6. If at any time during this approval period Erie County discontinues its housing of Buffalo Police Department female arrestees, the variance approval shall be considered null and void.

VARIANCE HISTORY

2013	Recommendation Action Taken Length of Variance Conditions, if changed	Approval Approved at Meeting 11/19/2013 6 Months
2013	Recommendation Action Taken Length of Variance Conditions, if changed	Approval Approved at Meeting 5/21/2013 6 Months

CONSTRUCTION/RENOVATION PLANS

Not Applicable.

OTHER VARIANCES IN EFFECT

Not Applicable

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

Staff visited the facility on April 30, 2014. All conditions of the variance are being observed.

DATE OF LAST CYCLE VISIT THAT STANDARD VIOLATIONS WERE IDENTIFIED:

January 2013

ANY OPEN MINIMUM STANDARD VIOLATIONS:

Part 7008 – SCOC staff continue to work with the facility as it modifies its visitation policies and schedules to conform with Part 7008. Many of the changes will replicate those made to the visitation program at the Erie County Holding Center.

Part 7009 – The facility continues to make progress in changing its menus improve consistency and address medical and religious diets, as well as food substitution protocols.

ANY VIOLATIONS WHICH PERTAIN TO THE VARIANCE'S CONDITIONS:

None

JUSTIFICATION FOR WHY VARIANCE SHOULD OR SHOULD NOT BE EXTENDED:

HISTORY

1. For several years, the Erie County Sheriff's Office (ECSO) agreed to hold Buffalo Police Department arrestees at the Holding Center. With the opening of the new City of Buffalo Police Department lockup (for males) in 2011, the ECSO ceased holding City of Buffalo Police Department male arrestees. The ECSO continues to hold Buffalo Police Department female arrestees.

2014

2. The City of Buffalo and Erie County have agreed to continue the above-referenced housing arrangement at least until July 14, 2014. SCOC staff have been working with the City of Buffalo Police Department in designing a new female detention area within the City Court Building. Such project, if approved, would likely not be completed until late 2014 or early 2015. This will require further discussion between the City and County on the current housing arrangement.

2013

3. In early 2013, Erie County notified the City of Buffalo that effective June 1, 2013, the ECSO would not longer house Buffalo Police Department female arrestees. Subsequently, Buffalo Police Department requested the assistance of SCOC staff in discussing available options to house unarraigned females. SCOC staff met with Buffalo Police Department officials in March. One less-than-desirable option would have the Buffalo Police Department take over the Court detention cells on the 3rd floor of the City Court Building. This would result in the expulsion of the ECSO, which currently utilizes the cells for City Court appearances – this could jeopardize public safety. One long-term option would be the construction of a detention area for Buffalo Police Department females in the basement of the City Court Building, close to the current Buffalo Police Department lockup. The City of Buffalo and Erie County have agreed to continue the housing arrangement at least until January 1, 2014.
4. The variance should become null and void any time during the approval period Erie County discontinues housing Buffalo Police Department female arrestees.

REVIEWED BY REGIONAL SUPERVISOR:

DATE:

TM 4/28/14
pu 4/30/14

OFFICIAL USE ONLY:

NOTES OF MEETING: _____

TIMOTHY B. HOWARD
SHERIFF

MARK N. WIPPERMAN
UNDERSHERIFF



SHERIFF OF ERIE COUNTY

ADMINISTRATIVE OFFICES

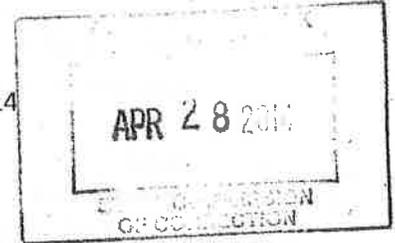
TEN DELAWARE AVENUE
BUFFALO, NEW YORK 14202-3913
(716) 858-7618
FAX: (716) 858-7680

POLICE SERVICES

ONE SHERIFF'S DRIVE
ORCHARD PARK, NEW YORK 14127-3...
(716) 662-5554
FAX: (716) 662-8477
WEBSITE: <http://www.erie.gov/sheriff>



April 23, 2014



Chairman Thomas A. Beilein
Alfred E. Smith State Office Building
80 South Swan Street, 12th Floor
Albany, New York 12210

RE: Extension Request – Variance #13-V-04

Chairman Beilein:

Please allow this letter to serve as ECSO's official request for an extension of the above referenced variance. At this time, Erie County has agreed to continue processing pre-arraigned female arrestees from the City of Buffalo through July 15, 2014. Additionally, I have not received any information regarding the Buffalo Police Department's plans for construction of additional cell space at their Lock-Up for the housing of female arrestees. As a result, I am respectfully requesting that Variance #13-V-04 be extended for an additional six (6) months, or until such time as ECSO is no longer handling pre-arraigned female arrestees from the City of Buffalo.

Sincerely,

Thomas Diina
Superintendent

cc: Sheriff Timothy B. Howard
Undersheriff Mark Wipperman
file



New York State
Commission of Correction
AE Smith Building, 12th Floor
80 South Swan Street
Albany, NY 12210
518-485-2465
518-485-2467 (Fax)

New
Renewal
Variance #
(SCOC Use Only)

Thomas A. Beilein
Chairman

Variance Application Form

INSTRUCTIONS TO COMMISSIONER OR SUPERINTENDENT:

Pursuant to New York State Minimum Standards Part 7603, Variances, please complete all portions of this form and mail or fax this form Attn: Chairman to the address or fax number listed above.

Facility: _____ ERIE COUNTY HOLDING CENTER

Person requesting: _____ SUPERINTENDENT THOMAS J. DIINA
(COMMISSIONER/SUPERINTENDENT)

- A. State the specific part, section and subdivision of New York State Minimum Standards for which the variance is requested: Example: 7621.3 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: 7621 Section: 3 Subdivision: N/A

Standard for which the variance is requested:

Part: 7040 Section: 5 Subdivision: _____

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

SEE ATTACHED SHEET.

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

SEE ATTACHED SHEET

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

Days _____ Weeks _____ Months 6*

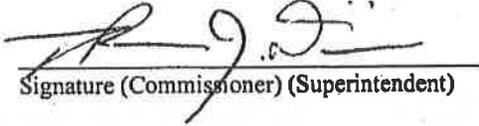
E. If this variance request is approved, what plans, provisions and timetables are in place for achieving full compliance with the Minimum Standard at issue such as adding to the MFC, etc. (Use additional sheets to provide additional supporting documentation, if necessary).

SEE ATTACHED SHEET.

(D) *OR UNTIL SUCH TIME AS ECSO IS NO LONGER HOUSING PRE-ARRAIGNED, FEMALE ARESTEEES FROM BPD.

G. Has this variance been previously approved?

Yes If yes, include the variance number #13-v-04 No



Signature (Commissioner) (Superintendent)

4/23/14
Date

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

Erie County Sheriff's Office Variance Request: Section B

Should this variance extension request be approved, the Erie County Sheriff's Office would maintain the additional eight (8) variance beds to the Joliet Housing Unit at ECCF. This will provide us with enough capacity to continue to house Buffalo Police Department pre-arraigned female arrestees, until such time as BPD has the capacity to house them at their Buffalo City Court Lock-Up. Absent this variance extension, the ECSO will be in danger of violating the above referenced standard, as well as potentially violating Part 7013, Classification.

If approved, the added capacity in Joliet Unit will allow ECSO to continue to house an additional eight (8) properly classified, arraigned female inmates at ECCF. This in turn will dramatically improve our ability to house the aforementioned BPD pre-arraigned female arrestees at ECHC pending their arraignment.

Erie County Sheriff's Office Variance Request: Section C

Due to the fact that the Buffalo Police Department Lock-Up does not have any facilities for housing pre-arraigned female detainees, the Erie County Sheriff's Office is continuing to house them. This was unanticipated, and will become an issue as we move into the summer and our average daily population increases. While not ideal, this is the only viable option for both the ECSO and BPD, as all other alternatives which have been discussed would compromise the safe and secure operation of ECSO's City Court Lock-Up, located on the third floor of Buffalo City Court.

It should also be noted that the Erie County has recently negotiated an extension agreement with the City of Buffalo whereby ECSO will continue to house pre-arraigned female arrestees until 7/15/14, at minimum.

Erie County Sheriff's Office Variance Request: Section E

While the ECSO has not been provided with an estimated time in which the Buffalo Police Department will begin housing pre-arraigned female arrestees, we have received notice that a project to add additional space for females at their Lock-Up has been initiated. During this time, the ECSO is committed to working collaboratively with BPD in maintaining the safe and secure of housing of BPD female arrestees, and we request the assistance of the NYSCOC in procuring safe and secure housing options.

Name of Facility: **Herkimer County Jail**

Variance # **06-V-05**

New: Renewal:

Relief from Standard: **7028.4**

Application by: **Sheriff Christopher Farber**

Date Request Rec: **4/3/13**

Last Approved: **11/19/13** Length of Approval: **6 Months** Expiration: **6/1/14**

Write-up Prepared by: **Elisha Hamilton**

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

Recommendation at Briefing:

Final Recommendation:

SUMMARY OF VARIANCE REQUEST

The facility is requesting a continued extension of variance 06-V-05 which authorizes the county to use a temporary exercise yard for the purpose of providing prisoners outdoor exercise. In September 2013, the Appellate Division vacated the State Supreme Court's order declaring null and void the Village of Herkimer's zoning ordinance (prohibiting the construction of a correctional facility). The county has appealed this decision. According to James Wallace, County Administrator, a trial is tentatively scheduled for September 2014. This will continue to delay the project until resolved. It should be noted that the Commission previously approved other sites.

RECOMMENDED CONDITIONS

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

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

VARIANCE HISTORY

2013	Recommendation Action Taken Length of Variance Conditions, if changed	Approval Approved at Meeting 11/19/2013 6 Months
2013	Recommendation Action Taken Length of Variance Conditions, if changed	Approval Approved at Meeting 5/21/2013 6 Months
2013	Recommendation Action Taken Length of Variance Conditions, if changed	Approval Approved at Meeting 2/19/2013 90 Days

would anticipate a decision in mid-November 2013.

1/29/13:

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

08/03/12:

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

04/25/12:

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

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

03/27/12:

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

12/07/11:

Sheriff Farber submitted to Chairman Beilein a letter of request to extend Variance 06-V-05 for 180 days and advised that the County continues to move forward with the construction of a new correctional facility. Sheriff Farber also submitted within the letter of request for the aforementioned

variance extension, a copy of a letter that was written to him (Sheriff Farber) from Herkimer County Administrator James Wallace. Administrator Wallace's letter, dated December 7, 2011, advised that the County continues to move forward with the construction of a new Herkimer County Correctional Facility at the Route 28 site in Herkimer. It also advised that the County Legislature at its last meeting was given a presentation by Mark kakuvka of LaBella Associates which allowed the members and the residents to review the design of the facility and the schedule. It further advised that the County is in the design development phase and is continuing with their cell package.

08/30/11:

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

05/25/11:

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

4/7/11:

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

1. The county has not yet applied to the DEC for permits to construct a septic system on the jail site. Forty-seven (47) test pits will be dug in the coming weeks. The results will then be forwarded to the DEC.
2. The county will be meeting with LaBella Associates, the architectural/engineering firm hired by Herkimer County for this project.
3. The size of the facility will be 132 beds, with double celling capability to 154 beds.

3/29/11:

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

1/18/11:

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

12/14/10:

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

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

9/08/10: Village of Herkimer's counter offer to the County includes:

- Requiring the county to pay for all costs incurred for hooking the correctional facility into the village's wastewater treatment plant, including permits, the necessary piping, road repairs, etc.;
- The county paying an annual \$58,000 host community benefit to the village for the life of the correctional facility, with an uncapped escalator clause tied to the village's tax rate; and
- The county contributing \$800,000 to the village's wastewater treatment plant upgrade project.

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

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

OTHER VARIANCES IN EFFECT – None

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

Facility compliance with conditions of variance 06-V-05 was last reviewed on March 17, 2014; Compliance with these conditions was noted.

DATE OF LAST CYCLE VISIT THAT STANDARD VIOLATIONS WERE IDENTIFIED:

March 17 – March 21, 2014

ANY OPEN MINIMUM STANDARD VIOLATIONS:

Commission staff continues to work with the facility on developing and revising policies and procedures that will meet Minimum Standards and reflect current operations.

ANY VIOLATIONS WHICH PERTAIN TO THE VARIANCE'S CONDITIONS:

None

JUSTIFICATION FOR WHY VARIANCE SHOULD OR SHOULD NOT BE EXTENDED:

The facility continues to work with the Commission to maintain the current facility to the best of

their ability.

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

REVIEWED BY REGIONAL SUPERVISOR:

TM DATE: 4/23/14
RL 4/30/14

OFFICIAL USE ONLY:

NOTES OF MEETING: _____



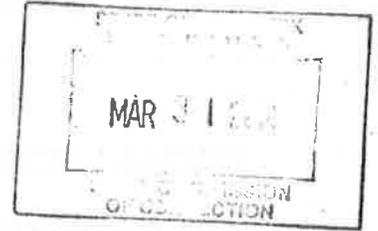
OFFICE OF

The Herkimer County Sheriff

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

THOMAS MCGRAIL, CAPT. N.Y.
Correction Facility: (315) 867-1252
Correctional Fax: (315) 867-1263

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



March 26, 2014

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

Dear Chairman Beilein:

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

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

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

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

Respectfully,

Christopher P. Farber, Sheriff
Herkimer County

C/c: Hon. Vincent Bono
Hon. Bernard Peplinski
James Wallace, Co. Admin.



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: Herkimer County Correctional Facility

Person requesting: Sheriff Christopher P. Farber

(Sheriff/~~CHIEF ADMINISTRATIVE OFFICER~~)

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

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

Standard for which the variance is requested:

Part: 7028 Section: 4 Subdivision: b

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

See Attached Letter

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

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

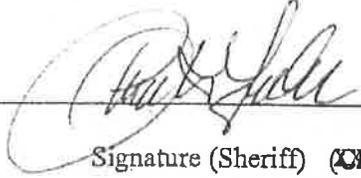
180 Days Weeks Months

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

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

G. Has this variance been previously approved?

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



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

Date 03-26-14

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)



HERKIMER COUNTY LEGISLATURE
OFFICE OF THE HERKIMER COUNTY ADMINISTRATOR

JAMES W. WALLACE, JR., *ADMINISTRATOR*

109 MARY STREET - SUITE 1310

HERKIMER, NEW YORK 13350-2913

TELEPHONE: (315) 867-1112 -- FAX: (315) 867-1109

March 25, 2014

Dear Sheriff Farber:

Herkimer County is currently in the process of preparing for trial versus the Village of Herkimer on the balancing test at the "P&C" site. We are in discovery with the Village at this time. This matter is scheduled for trial in September 2014.

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

Sincerely,

James W. Wallace, Jr.
County Administrator

JWW/bc

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

Name of Facility: Tompkins CJ

Variance # 09-V-04

New: Renewal:

Relief from Standard:

Application by: Sheriff Kenneth W. Lansing

Date Request Rec: 10/18/13

Last Approved: 11/19/13

Length of Approval: 6 Months

Expiration: 6/1/14

Write-up Prepared by: Chester Martinez

Recommendation by Field Staff: Approve for 6 months

Recommendation at Briefing:

Final Recommendation:

SUMMARY OF VARIANCE REQUEST

Sheriff Lansing is requesting an extension of 09-V-04 which authorizes the facility 18 additional bed spaces in their medium and maximum housing units to be utilized as double bunks. The facility has submitted plans to convert the current indoor exercise area into a 7-bed dormitory and to create a partially covered recreational space in the outdoor rec area. Also, the legislature has authorized Sheriff Lansing to move forward with a study that would relocate the Road Patrol to a nearby building and convert the vacant space into administrative offices and single occupancy cells.

RECOMMENDED CONDITIONS IF APPROVED

<u>LOCATION</u>	<u>MFC</u>	<u>INCREASE</u>
B-Block	3	2
C-Block	5	3
D-Block	5	3
E-Block	5	3
F-Block	6	4
H-Block	4	3
TOTAL:		18

1. Those inmates who are housed in the above-noted areas *must* be provided with a bunk, cot, or 'boat' to be used as a bed.
2. 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.
3. That the county observes its double-celling protocols as outlined in 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.
4. That inmates housed in these areas receive the same services and programs as the general population.

5. That Commission staff will continue to 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 will 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 the implementation of its double-celling plan by tracking rates of incidents, grievance, and complaints directly related to double-celling. These records shall be made available to Commission staff upon request.
8. That the county provides the Commission with a substantial progress report on addressing the short and long-term capacity needs of the jail. This report shall be submitted with any extension request.
9. 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.

These records shall be made available to Commission staff for inspection.

VARIANCE HISTORY

Approved 11/19/13 for six months

2013	Recommendation Action Taken Length of Variance Conditions, if changed	Approval Approved at Meeting 6/19/2013 6 Months As part of any future extension request, the county must include plans for long-term capacity enhancement.
------	--	---

Approved 6/12 for one year
 Approved 6/11 for one year
 Approved 6/10 for one year
 Approved 1/10 for six months
 Approved 6/09 for six months

CONSTRUCTION/RENOVATION PLANS

The facility has submitted plans to convert the current indoor exercise area into a 7-bed dormitory.

OTHER VARIANCES IN EFFECT

None

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

November 27, 2013

DATE OF LAST CYCLE VISIT THAT STANDARD VIOLATIONS WERE IDENTIFIED:

November 27, 2013

ANY OPEN MINIMUM STANDARD VIOLATIONS:

None

ANY VIOLATIONS WHICH PERTAIN TO THE VARIANCE'S CONDITIONS:

None

JUSTIFICATION FOR WHY VARIANCE SHOULD OR SHOULD NOT BE EXTENDED:

The variance provides flexibility to the facility in properly separating inmates of various classification categories. Sheriff Lansing is working with the legislature on long-term capacity enhancement plans.

The facility shall provide a status report on its long-term plans to expand the capacity, along with applicable milestones.

REVIEWED BY REGIONAL SUPERVISOR:

W DATE: 5/6/14
W 5/6/14

OFFICIAL USE ONLY:

NOTES OF MEETING: _____

TOMPKINS COUNTY SHERIFF'S OFFICE

779 WARREN ROAD
ITHACA, NY 14850

KENNETH W. LANSING
SHERIFF

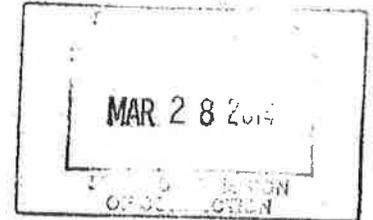


TEL: (607) 257-1345
FAX: (607) 266-5436

DEREK R. OSBORNE
UNDERSHERIFF

Mr. Thomas A. Beilein, Chairman
State of New York Executive Department
State Commission of Corrections
80 So. Swan Street, 12th Floor
Albany, New York 12210

Date: March 25, 2014
Re: Variance Request 09-V-04



Dear Chairman Beilein,

Please accept this letter as an update and a request. I hope that this will serve as clarification to the Commission about our long-term goals and the efforts we are making in order to make our facility more efficient.

In my past three years leading this administration, we have taken several strides to improve our situation. We have partnered with LaBella Architects and have started the process of modifying our jail to be more accommodating. We have gotten the \$900,000 bond approved by the Budget Committee of Tompkins County that will enable us to pursue this project. The main stages that we are focusing on are the addition of 7 inmate beds and the creation of a partially covered recreational space. Although we have been met with a large amount of community opposition, we have been fervently perusing this goal and have made large strides with the Tompkins County Legislature in supporting this renovation effort. The final vote will be held on April 15th, 2014 at the Legislature Meeting.

Although these seem like short term goals, it does take time to get these processes in motion. Ideally, in the long term we will have secured an additional facility where we can relocate the civil division and the road patrol; which would leave our current facility as the primary corrections building. This will allow us to expand our jail and increase the effectiveness of the other divisions as well. LaBella Architects are continuing to look into this for future secure housing.

I would ask that you consider the letter as a request to continue the above referenced variance. It is important that with all of the changes going on, that the Tompkins County Administration sees the support from the New York State Commission of Corrections. I appreciate your continued support and your consideration in continuing to grant this variance. Thank you again for the dedication and I look forward to our continued work together. If you have any questions or concerns, please do not hesitate to contact my office.

Sincerely,

A handwritten signature in black ink, appearing to read "Kenneth W. Lansing".

Sheriff Kenneth W. Lansing



New York State
Commission of Correction
AE Smith Building, 12th Floor
80 South Swan Street
Albany, NY 12210
518-485-2465
518-485-2467 (Fax)

New
Renewal
Variance #
(SCOC Use Only)

Thomas A. Beilein
Chairman

Variance Application Form

INSTRUCTIONS TO COMMISSIONER OR SUPERINTENDENT:

Pursuant to New York State Minimum Standards Part 7603, Variances, please complete all portions of this form and mail or fax this form Attn: Chairman to the address or fax number listed above.

Facility: Tompkins County

Person requesting: Kenneth Lansing - Sheriff
(COMMISSIONER/SUPERINTENDENT)

- A. State the specific part, section and subdivision of New York State Minimum Standards for which the variance is requested: Example: 7621.3 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: 7621 Section: 3 Subdivision: N/A

Standard for which the variance is requested:

Part: 7040 Section: 3 Subdivision: _____

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

We are requesting to house inmates in a double bunk status in 18 different single cells. This is a request to extend the variance that was granted in November of 2013. Any alternate plan includes housing inmates in other jails at great expense to the health and welfare of the inmate in that the inmate is moved to a substitute jail in another county and is unable to have convenient contact with friends and family in our local community.

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

The Tompkins County Jail has an existing MFC of 75 inmates. Over the past 13 months, we have averaged ~~81.28~~ inmates in custody per day. We are currently operating under a previously approved variance for 18 inmate beds. We have averaged 6.74 inmate boarded out per day even with the existing variance for 18 beds. (See attached reports)

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

Days 365 Weeks 52 Months 12

- 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).

Tompkins County has started the process of adding 7 beds to our MFC. The plans were preliminarily approved by your office on July 11, 2013. From there the plans were discussed and voted on at the Public Safety Committee in August. On September 3, 2013 the plans meet with full support from the Legislature. On October 16, 2013 a contract was signed with Labella Associates to continue with engineering and design of the Jail renovation. In February 2014 your office approved the plans. On March 18, 2014 the plans met with approval from the Public Safety Committee in a 4 to 1 vote. The plan will move to the budget committee on 3/24/2014 and then on for the final approval of the legislature on April 1, 2014. The project time lines show a completion date of 12/2/2014 if all approvals are met by the legislative committees and boards. (Attached documents show the plan with time lines)

G. Has this variance been previously approved?

Yes If yes, include the variance number 09-v-04 No



Signature (Commissioner) (Superintendent)

3/19/14
Date



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

**New York State Commission of Correction
DAILY POPULATION COUNT REPORTING SYSTEM
AVERAGE DAILY COUNTS / HIGHS / LOWS**

Facility: Tompkins County Jail

DATE RANGE: 3/19/13 thru 3/19/14

	Unsentenced	Sentenced	Unarraigned	Civil	Federal	Totals
Adult Male	AVG: 42.95 HI: 54.00 11/29/13 LOW: 33.00 01/01/14	AVG: 25.58 HI: 38.00 03/09/14 LOW: 18.00 10/24/13	AVG: 0.00 HI: 0.00 00/00/00 LOW: 0.00 00/00/00	AVG: 0.00 HI: 0.00 00/00/00 LOW: 0.00 00/00/00	AVG: 0.00 HI: 0.00 00/00/00 LOW: 0.00 00/00/00	AVG: 68.53 HI: 76.00 03/10/14 LOW: 59.00 09/26/13
Adult Female	AVG: 6.61 HI: 10.00 02/24/14 LOW: 2.00 05/22/13	AVG: 3.04 HI: 7.00 06/29/13 LOW: 0.00 02/24/14	AVG: 0.00 HI: 0.00 00/00/00 LOW: 0.00 00/00/00	AVG: 0.00 HI: 0.00 00/00/00 LOW: 0.00 00/00/00	AVG: 0.00 HI: 0.00 00/00/00 LOW: 0.00 00/00/00	AVG: 9.65 HI: 13.00 12/19/13 LOW: 5.00 12/02/13
Minor Male	AVG: 1.78 HI: 5.00 10/06/13 LOW: 0.00 00/00/00	AVG: 1.29 HI: 5.00 10/16/13 LOW: 0.00 00/00/00	AVG: 0.00 HI: 0.00 00/00/00 LOW: 0.00 00/00/00	AVG: 0.00 HI: 0.00 00/00/00 LOW: 0.00 00/00/00	AVG: 0.00 HI: 0.00 00/00/00 LOW: 0.00 00/00/00	AVG: 3.07 HI: 6.00 10/16/13 LOW: 0.00 00/00/00
Minor Female	AVG: 0.02 HI: 2.00 11/28/13 LOW: 0.00 00/00/00	AVG: 0.01 HI: 2.00 11/28/13 LOW: 0.00 00/00/00	AVG: 0.00 HI: 0.00 00/00/00 LOW: 0.00 00/00/00	AVG: 0.00 HI: 0.00 00/00/00 LOW: 0.00 00/00/00	AVG: 0.00 HI: 0.00 00/00/00 LOW: 0.00 00/00/00	AVG: 0.03 HI: 4.00 11/28/13 LOW: 0.00 00/00/00
Total	AVG: 51.37 HI: 63.00 10/22/13 LOW: 41.00 03/17/14	AVG: 29.91 HI: 44.00 03/09/14 LOW: 22.00 10/24/13	AVG: 0.00 HI: 0.00 00/00/00 LOW: 0.00 00/00/00	AVG: 0.00 HI: 0.00 00/00/00 LOW: 0.00 00/00/00	AVG: 0.00 HI: 0.00 00/00/00 LOW: 0.00 00/00/00	AVG: 81.28 HI: 90.00 12/12/13 LOW: 71.00 02/21/14

**New York State Commission of Correction
DAILY POPULATION COUNT REPORTING SYSTEM
AVERAGE DAILY COUNTS / HIGHS / LOWS**

Facility: Tompkins County Jail

DATE RANGE: 3/19/13 thru 3/19/14

	Coram Nobis	D and I Felons	State Recidies	Convicted Felons	Parole Violators	New Arrests w/Parole Warrant
Adult Male	AVG: 0.08 Hi: 1.00 LOW: 0.00	AVG: 5.20 Hi: 9.00 LOW: 0.00	AVG: 1.90 Hi: 10.00 LOW: 0.00	AVG: 6.49 Hi: 500.00 LOW: 0.00	AVG: 3.97 Hi: 9.00 LOW: 0.00	AVG: 5.67 Hi: 10.00 LOW: 1.00
	01/17/14 00/00/00	03/17/14 11/14/13	09/12/13 00/00/00	05/05/13 00/00/00	11/15/13 03/26/13	11/05/13 04/02/13
Adult Female	AVG: 0.00 Hi: 0.00 LOW: 0.00	AVG: 0.99 Hi: 91.00 LOW: 0.00	AVG: 0.21 Hi: 1.00 LOW: 0.00	AVG: 1.50 Hi: 6.00 LOW: 0.00	AVG: 0.31 Hi: 8.00 LOW: 0.00	AVG: 0.03 Hi: 1.00 LOW: 0.00
	00/00/00 00/00/00	07/31/13 03/10/14	03/17/14 00/00/00	12/19/13 11/15/13	08/28/13 00/00/00	03/19/14 03/13/14
Minor Male	AVG: 0.00 Hi: 0.00 LOW: 0.00	AVG: 0.17 Hi: 1.00 LOW: 0.00	AVG: 0.01 Hi: 1.00 LOW: 0.00	AVG: 0.66 Hi: 99.00 LOW: 0.00	AVG: 0.00 Hi: 0.00 LOW: 0.00	AVG: 0.00 Hi: 0.00 LOW: 0.00
	00/00/00 00/00/00	12/16/13 00/00/00	04/08/13 00/00/00	10/12/13 00/00/00	00/00/00 00/00/00	00/00/00 00/00/00
Minor Female	AVG: 0.00 Hi: 0.00 LOW: 0.00	AVG: 0.00 Hi: 0.00 LOW: 0.00	AVG: 0.00 Hi: 0.00 LOW: 0.00	AVG: 0.00 Hi: 0.00 LOW: 0.00	AVG: 0.00 Hi: 0.00 LOW: 0.00	AVG: 0.00 Hi: 0.00 LOW: 0.00
	00/00/00 00/00/00	00/00/00 00/00/00	00/00/00 00/00/00	00/00/00 00/00/00	00/00/00 00/00/00	00/00/00 00/00/00
Total	AVG: 0.08 Hi: 1.00 LOW: 0.00	AVG: 6.37 Hi: 98.00 LOW: 0.00	AVG: 2.12 Hi: 11.00 LOW: 0.00	AVG: 8.65 Hi: 500.00 LOW: 0.00	AVG: 4.28 Hi: 10.00 LOW: 0.00	AVG: 5.70 Hi: 10.00 LOW: 1.00
	01/17/14 00/00/00	07/31/13 11/14/13	09/12/13 00/00/00	05/05/13 10/09/13	08/28/13 03/26/13	11/05/13 04/02/13

New York State Commission of Correction
DAILY POPULATION COUNT REPORTING SYSTEM
AVERAGE DAILY COUNTS / HIGHS / LOWS

Facility: Tompkins County Jail

DATE RANGE: 3/19/13 thru 3/19/14

	Intermittents	Boarded In	Boarded Out	Out To Hospital	Out To Mental Hygiene	Out To Other
Adult Male	AVG: 0.27	AVG: 0.00	AVG: 4.80	AVG: 0.03	AVG: 0.08	AVG: 0.36
	HI: 4.00	HI: 0.00	HI: 14.00	HI: 2.00	HI: 1.00	HI: 2.00
	LOW: 0.00	LOW: 0.00	LOW: 0.00	LOW: 0.00	LOW: 0.00	LOW: 0.00
Adult Female	AVG: 0.02	AVG: 0.00	AVG: 1.07	AVG: 0.00	AVG: 0.00	AVG: 0.00
	HI: 1.00	HI: 0.00	HI: 7.00	HI: 0.00	HI: 0.00	HI: 0.00
	LOW: 0.00	LOW: 0.00	LOW: 0.00	LOW: 0.00	LOW: 0.00	LOW: 0.00
Minor Male	AVG: 0.02	AVG: 0.00	AVG: 0.73	AVG: 0.00	AVG: 0.00	AVG: 0.01
	HI: 1.00	HI: 0.00	HI: 3.00	HI: 0.00	HI: 0.00	HI: 1.00
	LOW: 0.00	LOW: 0.00	LOW: 0.00	LOW: 0.00	LOW: 0.00	LOW: 0.00
Minor Female	AVG: 0.00	AVG: 0.00	AVG: 0.15	AVG: 0.00	AVG: 0.00	AVG: 0.00
	HI: 0.00	HI: 0.00	HI: 2.00	HI: 1.00	HI: 0.00	HI: 0.00
	LOW: 0.00	LOW: 0.00	LOW: 0.00	LOW: 0.00	LOW: 0.00	LOW: 0.00
Total	AVG: 0.31	AVG: 0.00	AVG: 6.74	AVG: 0.04	AVG: 0.08	AVG: 0.38
	HI: 5.00	HI: 0.00	HI: 17.00	HI: 2.00	HI: 1.00	HI: 2.00
	LOW: 0.00	LOW: 0.00	LOW: 0.00	LOW: 0.00	LOW: 0.00	LOW: 0.00



PUBLIC SAFETY BUILDING

RECREATION AND HOUSING AREA IMPROVEMENTS



COST SUMMARY BREAKDOWN

PHASE 1 Building Addition & DSS Renovation	<ul style="list-style-type: none"> • Deconstruction of Exterior • Interior Deconstruction • Exterior Build-Out • Interior Build-Out 	\$751,411
PHASE 2 Interior Renovation for Day Reporting	<ul style="list-style-type: none"> • Interior Deconstruction • Interior Build-Out 	\$485,356
SUBTOTAL		\$1,236,767
Soft Costs	<ul style="list-style-type: none"> • Design & Construction Contingency • Professional fees and remaining project costs 	\$440,289
TOTAL COST OPINION		\$1,677,056

PROJECT SCOPE

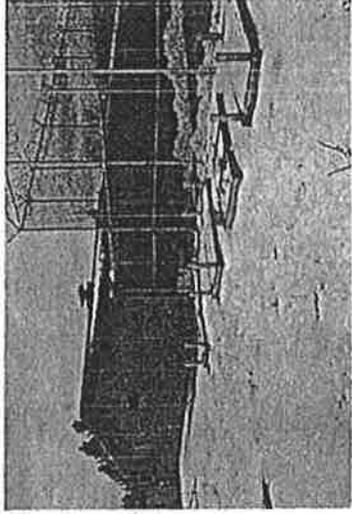
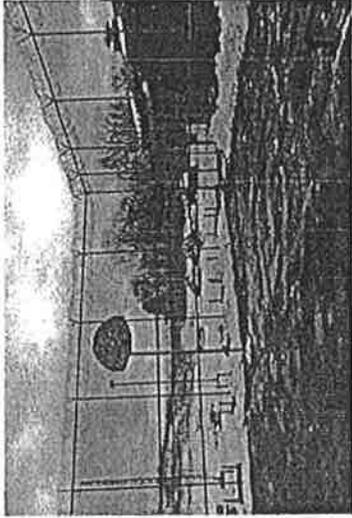
Approach

- Provide recreation yard that could be utilized for year-round use
- Eliminate indoor recreation area and convert to inmate housing
- NYS Commission of Correction – program spaces can be relocated but not eliminated

DAY ROOM

RECREATION YARD

EXISTING CONDITIONS



PROJECT SCOPE

Phase 1

- Move indoor recreation to new covered outdoor recreation yard
- Provide new access to yard from existing dormitory area
- Secure exterior garden program area
- Integrate all new security and control systems
- Provide additional lighting for year-round use

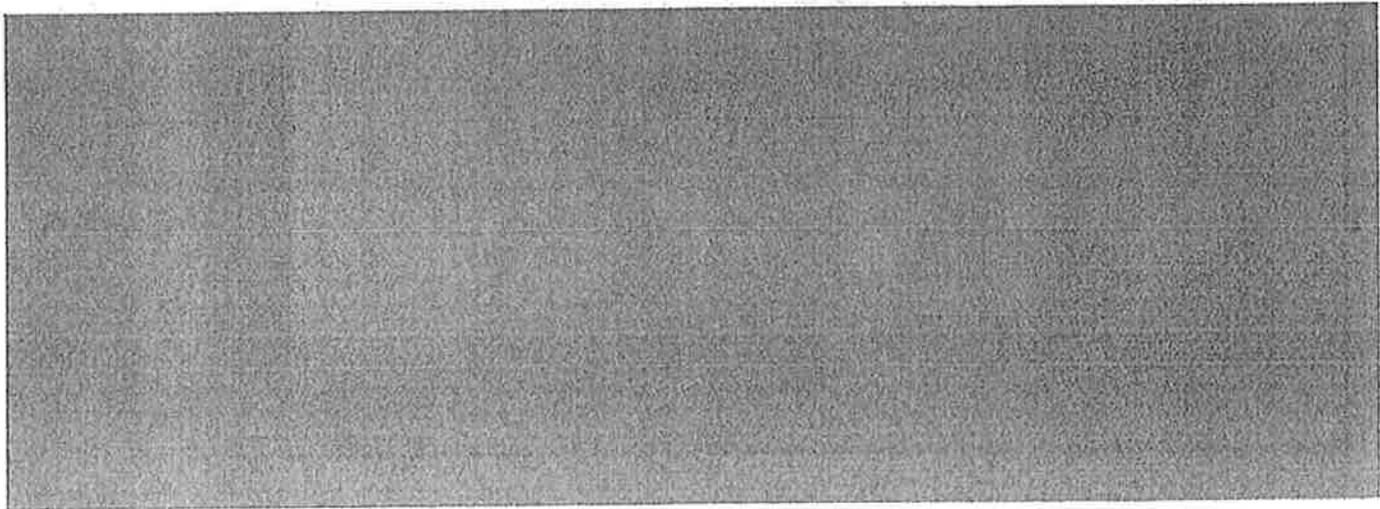
PROJECT SCOPE

Phase 2

- Renovate existing indoor recreation space into dormitory housing
- Remove exterior door and fencing
- Add additional security and control systems
- Provide new security entrance door and frame
- Provide new inmate toilet area
- Provides for (7) additional jail beds

COST SUMMARY BREAKDOWN

PHASE 1 Exterior Yard Improvements	<ul style="list-style-type: none"> • Site Deconstruction • General Construction • Electrical • Plumbing 	\$520,088
PHASE 2 Interior Dorm Improvements	<ul style="list-style-type: none"> • Deconstruction • General Construction • Electrical • Plumbing • Mechanical 	\$130,189
SUBTOTAL		\$650,277
Soft Costs	<ul style="list-style-type: none"> • Construction Contingency • Professional fees and remaining project costs 	\$208,089
TOTAL COST OPINION		\$858,366



CONSOLIDATED SCHEDULE FOR HUMAN SERVICES BUILDING AND JAIL PROJECTS:

Final Estimates of Probable Construction Costs	02/28/14
Public Safety Committee Approvals	03/18/14
Budget, Capital & Personnel Committee Approvals	03/24/14
Legislature Approves Projects & Bonds	04/01/14
Projects Issued for Bid	04/03/14
Bid Opening	05/01/14
Notice of Award	05/21/14
County Executes Contract	05/31/14
Issuance of Notice to Proceed	06/10/14
Preconstruction Conference	06/17/14
Construction Start	06/15/14
Construction Complete -- Jail Project	12/02/14
Construction Complete -- HSB Project	04/11/15

PROJECT SCHEDULE



**QUESTIONS
COMMENTS**

Amendment to facility MFC

Facility: Cortland CJ

Date of Site Visit: September 2013

Name of Person Who Conducted the Last Site Visit to Facility:
Terry Moran and Bill Benjamin

Date of Last MFC report
2006

Update on Capital Construction Project:
N/A

Summary of amendment(s) to current MFC
This revised MFC reflects the addition of 30 beds in the newly converted dormitory (former gymnasium).

Recommendation/Comments:
Recommend approval

Approve: X Amended Capacity: 90

No Recommendation:
(Check One)

Reviewed by Regional Supervisor: _____ Date: _____

Reviewed by Facility Planning: _____ Date: _____

Reviewed by Deputy Director: _____ Date: _____

**NEW YORK STATE
COMMISSION OF CORRECTION**



May 20, 2014

**MAXIMUM FACILITY CAPACITY
for
CORTLAND COUNTY JAIL
in
Cortland, New York**

Thomas A. Beilein

Chairman

Phyllis Harrison-Ross, M.D.

Commissioner

Thomas J. 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	Proposed Inmate Capacity
B Block	10	78.75 square feet	2	10
C Block	10	78.75 square feet	2	10
D Block	10	78.75 square feet	2	10
E Block	10	78.75 square feet	2	10

GENERAL HOUSING INDIVIDUAL OCCUPANCY UNIT TOTAL: 40

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

Name of Housing Area/Section	Number of Toilets	Number of Sinks	# of Showers Available per Section	Total Size of Unit (Sq. Ft. of Floor Space)	Maximum Inmate Capacity
Section 1	1	1	1	229 square feet	3
Section 2	1	1	1	229 square feet	3
Section 3	1	1	1	229 square feet	3
Dormitory 1	3	3	3	2250 square feet	30

GENERAL HOUSING MULTIPLE OCCUPANCY UNIT TOTAL: 39

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

Name of Housing Area/Section	Purpose/ Type of Special Housing	Number of Individual Housing Units	Total Size of Unit (Sq. Ft. of Floor Space)	# of Showers Available per Section	Maximum Inmate Capacity
A Block	Administrative Segregation	10	78.75 square feet	4	10
Holding Tank #1	Classification / Intake	1	75 square feet	1	1

SPECIAL HOUSING INDIVIDUAL OCCUPANCY UNIT TOTAL: 11

II. A. NON-STANDARD HOUSING

Name of Housing Area/Section	Number of Toilets	Number of Sinks	Number of Showers	Total Size of Unit (Sq. Ft. of Floor Space)	Capacity	Description of use (Limit as to use, time frame, etc.)
Holding Tank # 2	1	1	-0-	84.24 sq. ft.	1	The facility shall limit individual occupancy holding to 12 hours . Multiple occupancy holding shall be limited to four (4) hours . When utilized for holding the facility may hold up to five (5) inmates in this cell.
Holding Tank # 3	1	1	-0-	84.24 sq. ft.	1	The facility shall limit individual occupancy holding to 12 hours . Multiple occupancy holding shall be limited to four (4) hours . When utilized for holding the facility may hold up to five (5) inmates in this cell.

These cells may be used only for the type of temporary housing and for the durations shown, as listed in the right hand column above. Any other use is prohibited. This area is considered *Non-Standard Housing* and will not be added to the Maximum Facility Capacity for this facility.

HOUSING TYPE	TOTALS
Subtotal Individual Housing Units Used for General Housing:	40
Subtotal Multiple Housing Units Used for General Housing:	39
Subtotal Individual Housing Units Used for Special Housing:	11
MAXIMUM FACILITY CAPACITY:	90

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

The above-noted capacity is based upon the following:

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

 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:

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

Submitted by:

Approved by:

(Preparer's Signature and Title, and Date)

(Signature Title and Date)

**NEW YORK STATE
COMMISSION OF CORRECTION**



May 20, 2014

**MAXIMUM FACILITY CAPACITY
for
JEFFERSON COUNTY JAIL
in
Watertown, New York**

Thomas A. Beilein

Chairman

Phyllis Harrison-Ross, M.D.

Commissioner

Thomas J. 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	Proposed Inmate Capacity
Pod 1A down	15 (#101-115)	75 square feet each cell	4	15
up	17 (#201-217)	75 square feet each cell		17
Pod 1B down	15 (#116-130)	75 square feet each cell	4	15
up	17 (#218-234)	75 square feet each cell		17
Pod 2A down	15 (#1-15)	75 square feet each cell	4	15
up	17 (#16-32)	75 square feet each cell		17
Pod 2B down	15 (#33-49)	75 square feet each cell	4	15
up	17 (#50-66)	75 square feet each cell		17
Pod 3A down inmate worker's	7 (#1 - 7)	75 square feet each cell	2	7
up	7 (#8 - 14)	75 square feet each cell		7
FEMALES:				
Pod 3B down	9 (#1 - 9)	75 square feet each cell	2	9
up	9 (#10 - 18)	75 square feet each cell		9

GENERAL HOUSING INDIVIDUAL OCCUPANCY UNIT TOTAL: 160

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

Name of Housing Area/Section	Purpose/ Type of Special Housing	Number of Individual Housing Units	Total Size of Unit (Sq. Ft. of Floor Space)	# of Showers Available per Section	Maximum Inmate Capacity
N/A					

SPECIAL HOUSING INDIVIDUAL OCCUPANCY UNIT TOTAL: 0

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

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

GENERAL HOUSING MULTIPLE OCCUPANCY UNIT TOTAL: 0

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

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

SPECIAL HOUSING MULTIPLE OCCUPANCY UNIT TOTAL: 0

III. A. NON-STANDARD HOUSING

Name of Housing Area/Section	Number of Toilets	Number of Sinks	Number of Showers	Total Size of Unit (Sq. Ft. of Floor Space)	Capacity	Description of use (Limit as to use, time frame, etc.)
HOLDING AREAS						
MEDICAL 1	1	1	-0-	84.24 sq. ft.	1	The facility shall limit individual occupancy holding to 12 hours
MEDICAL 2	1	1	-0-	84.24 sq. ft.	1	The facility shall limit individual occupancy holding to 12 hours
MEDICAL 3	1	1	-0-	84.24 sq. ft.	1	The facility shall limit individual occupancy holding to 12 hours
GROUP HOLDING Left Side	1	1	-0-	129.2 sq. ft.	9	The facility shall limit individual occupancy holding to 12 hours . Multiple occupancy holding shall be limited to four (4) hours . When utilized for holding the facility may hold up to nine (9) inmates in this cell.
<ul style="list-style-type: none"> • Three (3) showers total in holding area. 						
GROUP HOLDING Right Side						
Holding Pen 1	1	1	-0-	135 sq. ft.		The facility shall limit individual occupancy holding to 12 hours . Multiple occupancy holding shall be limited to four (4) hours . When utilized for holding the facility may hold up to nine (9) inmates in this cell.
Holding Pen 2	1	1	-0-	68 sq. ft.		The facility shall limit individual occupancy holding to 12 hours . Multiple occupancy holding shall be limited to four (4) hours . When utilized for holding the facility may hold up to nine (4) inmates in this cell.
Holding Pen 3	1	1	-0-	68 sq. ft.		The facility shall limit individual occupancy holding to 12 hours . Multiple occupancy holding shall be limited to four (4) hours . When utilized for holding the facility may hold up to nine (4) inmates in this cell.

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

HOUSING TYPE	TOTALS
Subtotal Individual Housing Units Used for General Housing:	160
Subtotal Individual Housing Units Used for Special Housing:	0
Subtotal Multiple Housing Units Used for General Housing:	0
Subtotal Multiple Housing Units Used for Special Housing:	0
MAXIMUM FACILITY CAPACITY:	160

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

The above-noted capacity is based upon the following:

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

 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 7 separate holding areas of the facility; Medical 1, Medical 2, Medical 3, "Group holding left side", Holding Pen 1, Holding Pen 2, Holding Pen 3 are now identified in this report. No change in total rated MFC of the facility.

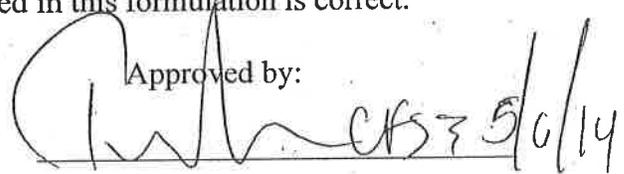
To the best of my knowledge all information contained in this formulation is correct.

Submitted by:

 5/6/14

(Preparer's Signature and Title, and Date)

Approved by:

 5/6/14

(Signature Title and Date)

