



Commission of Correction

THOMAS A. BEILEIN
Chairman

PHYLLIS HARRISON-ROSS, M.D.
Commissioner

THOMAS J. LOUGHREN
Commissioner

MEMORANDUM

TO: COMMISSION MEMBERS
FROM: Brian Callahan, General Counsel 
RE: AGENDA FOR COMMISSION MEETING
DATE: October 20, 2015 at 11:00AM

I. MINUTES

SCOC
September 15, 2015

CPCRC
October 8, 2015

II. VARIANCES

- A. All Local Correctional Facilities, Excluding NYCDC**
15-V-05 (NEW)
(Section 7032.5(b) Appeal to the Commission of Correction)
- B. Broome County Jail**
15-V-06 (NEW)
(Section 7008.3 Availability of Visits)
- C. Herkimer County Jail**
06-V-05
(Section 7028.4(b) Exercise Area and Equipment)
- D. Onondaga Department of Correction**
13-V-10
(Section 7040.3 Facility Population Limitation)
- E. Onondaga Department of Correction**
02-V-10
(Section 7040.3 Facility Population Limitation)
Request for Modification

- F. Tompkins County Jail**
15-V-02
(Section 7028.4(b) Exercise Area and Equipment)

III. CONSTRUCTION

- G. Brookwood Secure Center**
Rehabilitate Resident Units 5 through 10 Project
- H. Clinton Correctional Facility**
Rehabilitate 2nd Floor Dorm J Building 23 Project
- I. Clinton Correctional Facility**
Rehabilitate Auditorium Building 1 Project
- J. NYC Department of Correction**
Anna M. Kross Center (AMKC)
New Clinic Holding Pens Construction
- K. NYC Department of Correction**
Brooklyn House of Detention Complex (BKDC)
Rooftop Exercise Area Modification
- L. NYC Department of Correction**
George Motchan Detention Center (GMDC)
Mini Clinic Additions
- M. NYC Department of Correction**
George R. Vierno Detention Center (GRVC)
Balcony Railing Enclosure Project
- N. NYC Department of Correction**
Rose M. Singer Center (RMSC)
Subdivision of the Dayrooms
- O. Saratoga County Jail**
Installation of Security Fence



**Commission of
Correction**

THOMAS A. BEILEIN
Chairman

PHYLLIS HARRISON-ROSS, M.D.
Commissioner

THOMAS J. LOUGHREN
Commissioner

MINUTES

LOCATIONS:

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

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

DATE OF MEETING: September 15, 2015

Chairman Beilein called the meeting to order at 11:08am.

PRESENT:

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

DATE: September 15, 2015 at 11:08AM

I. MINUTES

SCOC
August 25, 2015

**Approved Unanimous
Loughren/Ross**

CPCRC
September 10, 2015

**Approved Unanimous
Loughren/Ross**

- | | | | |
|----|---|---|------------------|
| I. | NYS Department of Correctional
Services & Community Supervision
Auburn Correctional Facility
Rehabilitate Non-Contact Visit Space Project | Approved
Loughren/Ross | Unanimous |
| J. | NYS Department of Correctional
Services & Community Supervision
Edgecombe Correctional Facility
Repair/Replace Security Fencing Project | Approved
Loughren/Ross | Unanimous |
| K. | Orange County Correctional Facility
Medical Unit Exercise Yard Construction
Project | Approved
Loughren/Ross | Unanimous |

Commissioner Harrison-Ross, M.D. made a motion to go into executive session at 11:20am to discuss Construction and MRB items, which was seconded by Commissioner Loughren.

Commissioner Loughren made a motion to exit Executive Session and return to general session at 12:03pm, which was seconded by Commissioner Harrison-Ross, M.D.

The meeting resumed at 12:03pm. Motion was made by Commissioner Harrison-Ross, M.D. to ratify actions taken in Executive Session regarding MRB and Construction items, seconded by Commissioner Loughren and approved.

Commissioner Harrison-Ross, M.D. made a motion to adjourn at 12:03pm which was seconded by Commissioner Loughren.

Respectfully submitted,

Tricia Amati
 Assistant to Chairman/Commissioners



Commission of Correction

THOMAS A. BEILEIN
Chairman

PHYLLIS HARRISON-ROSS, M.D.
Commissioner

THOMAS J. LOUGHREN
Commissioner

MINUTES

LOCATIONS:

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Debbie Slack-Bean, Senior Counsel
Bill Benjamin, South Central, Supervisor
Terry Moran, Capital West, Supervisor
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Respectfully submitted,

Tricia Amati
Assistant to Chairman/Commissioners

CITIZENS' POLICY AND COMPLAINT REVIEW COUNCIL

October 8, 2015

NYS Commission of Correction
at
Alfred E. Smith Office Building
80 South Swan Street, 12th Floor
Albany, NY 12210
and
Adam Clayton Powell State Office Building
163 W 125th Street, 5th Floor, Suite 506
New York, NY 10027
and
Williamsville, NY 14221

PRESENT:

Commissioner Thomas J. Loughren

Council Members:

Albany:

Tom Cross
Doug Landon
Charles Burkes
Nick LaBella, Jr.
Don Nadler

Williamsville

Julie Scalione

NYC Office

Hernan Carvente

Also Present:

Rich Kinney
Deborah Slack-Bean
Terry Moran
Deane McGeary
Ellen Tryon
Christine Mozone

Commissioner Loughren opened the meeting at 10:39 a.m.

Commissioner Loughren asked for a motion to approve the minutes of the September 10, 2015 meeting. Doug Landon made a motion to approve the minutes and Nick LaBella seconded. Carried.

Tom Cross reviewed 39 Expedited with Comment grievances for the month of October 2015 and made a motion to deny all. Seconded by Don Nadler and unanimously passed.

Hernan Carvente, Charles Burkes, Martin Stanton, and Don Nadler, as the Expedite sub-committee, reviewed the Sharepoint expedited grievances. Hernan reviewed Cattaraugus to Montgomery (36). Charles reviewed grievances from Onondaga JC to Warren County Jail # 62888 (36). Martin reviewed grievances Warren County Jail # 63036 to Westchester Department of Correction #63663 (36). Don reviewed the remaining grievances from Westchester Department of Correction. Motions were made respectively to deny all of the expedited grievances. These motions were seconded by Doug Landon, Nick LaBella, Tom Cross and Charles Burkes respectively and unanimously passed.

The Council reviewed the remaining grievances.

ACCEPT IN PART

63101 Cattaraugus CJ	Unanimous
63606 64278 63435 Franklin CJ	Unanimous
62839 Madison CJ	Unanimous
62503 Seneca CJ	Unanimous
63421 62607 62608 62610 62594 62886 63424 St. Lawrence CJ	Unanimous
61181 64048 Warren CJ	Unanimous
62827 62847 Westchester DOC	Unanimous

ACCEPTED

62172
Montgomery CJ

6 yea/1 abstention

62505
Onondaga JC

Unanimous

62505
Seneca CJ

Unanimous

63740
Warren CJ

Unanimous

TABLED

63401
63301
63880
63427
St. Lawrence CJ

Unanimous

63037
63542
Westchester DOC

Unanimous

RETURN TO FACILITY

63302
St. Lawrence CJ

Unanimous

DENY

64311
Westchester DOC

Unanimous

ADMINISTRATIVE CLOSURES

DENY

62168
Cattaraugus CJ

Unanimous

62689
62892
63438
62707
63100
63328
62199
62694

62690 62985 63329 62891 62911 Cayuga CJ	Unanimous
63400 63419 Chemung CJ	Unanimous
64275 63540 63280 63779 64254 64277 Delaware CJ	Unanimous
63466 Essex CJ	Unanimous
64255 63436 63437 Franklin CJ	Unanimous
64032 64033 64034 63780 62641 62660 62663 62643 63119 Madison CJ	Unanimous
62182 Montgomery CJ	yea/1 abstention
62569 Onondaga JC	Unanimous
63701 Orange CJ	Unanimous
64042 63522 Oswego CJ	Unanimous

64284
64299
Seneca CJ

Unanimous

63285
62590
62612
62746
62901
63299
63426
63879
62613
62682
62765
63304
64043
St. Lawrence CJ

Unanimous

63171
63525
Suffolk CJ

Unanimous

62903
Ulster CJ

Unanimous

63402
62906
63850
62889
63062
63063
63799
63405
63720
63306
62888
63036
63065
63527
61178
63173
61179
61181
62905
63724
64129
64139
64037
64140
64141

62702
62684
62904
63174
63307
63726
63727
63703
64130
64131
Warren CJ

Unanimous

64288
63682
63683
63684
61413
Wayne CJ

Unanimous

62666
63685
63686
64309
62024
62124
63663
62845
62025
62988
62045
62667
63459
62846
63460
64142
63308
63541
63900
63901
64143
63919
63846
63902
64144
64145
63313
63664
62668
62828
62829
62830

62831
63462
63441
63517
63442
62832
62669
63518
62029
62125
Westchester DOC

Unanimous

DENY WITH COMMENT

63820
Chautauqua CJ

Unanimous

63871
63604
63872
63873
63605
63607
63608
63519
63520
63844
63521
63874
63875
Franklin CJ

Unanimous

62662
62642
62819
Madison CJ

Unanimous

62583
Onondaga JC

Unanimous

62899
Oswego CJ

Unanimous

62701
62609
62591
62592
62593
62611
62885

62902
63422
63423
63425
62764
62887
63300
63286
63287
St. Lawrence CJ

Unanimous

64305
Tompkins CJ

Unanimous

62826
63309
63440
63311
Westchester DOC

Unanimous

RETURNED TO THE FACILITY

The next CPCRC meeting will be held on Thursday, November 12, 2015 at 11:00 a.m. at SCOC, AESOB 80 S. Swan St. 12th Floor Albany, NY, Adam Clayton Powell State Office Building, 163 W 125th St., Suite 506, New York, and at Williamsville, NY 14221

Commissioner Loughren requested a motion to adjourn the meeting which was made by Julie Scalione, seconded by Nick LaBella and carried. The meeting adjourned at 12:50 p.m.

Respectfully submitted,

Christine Mozone
Office Assistant II

Name of Facility: All Local Correctional Facilities, Excluding NYCDOC Variance #

New: X Renewal: Relief from Stand 7032.5(b)

Application by: Date Request Rec: 9/16/15

Last Approved: Length of Approval: Expiration:

Write-up Prepared by: Terrence Moran

Recommendation by Field Staff: Approve for time period necessary

Recommendation at Briefing:

Final Recommendation:

SUMMARY OF VARIANCE REQUEST

In the continued effort to improve document sharing capabilities and reduce costs, the Commission of Correction (SCOC) and State Office of Information Technology are working to upgrade the SCOC grievance processing site to the latest version of SharePoint.

In an effort to enhance security of the current electronic grievance submittal process for local correctional facilities (excluding NYCDOC), the Commission of Correction and State Office of Information Technology are working to migrate the system to the latest version of SharePoint.

This process will necessitate a shutdown of the current SharePoint website for a period of one to two weeks to allow for the start-up of the new website. During this period, local correctional facilities will not be able to submit electronic grievances to the Commission.

This variance would authorize local correctional facilities to delay submitting electronic grievances to the Commission during the start-up of the new SharePoint website. Facilities that submit grievance appeals via the U.S. Postal Service will not be affected by this process.

Chairman's Memorandum 6-2015 was issued to all Sheriffs, Commissioners of Correction, Jail Administrators, and Grievance Coordinators, explaining the process of migrating to the latest version of SharePoint and the variance relief that will be provided by SCOC.

RECOMMENDED CONDITIONS

1. At the appropriate time, SCOC will notify local correctional facilities when the current website will be shut-down and that they will be unable to submit grievances electronically.
2. During the shut-down, local correctional facilities that utilize the SharePoint website will be required to continue scanning and saving inmate grievance appeals.
3. At the appropriate time, SCOC will notify local correctional facilities when the new website is operational.

4. Once notified, local correctional facilities utilizing the SharePoint website will commence submitting to the Commission grievances electronically via the new website.

OTHER VARIANCES IN EFFECT – Not Applicable

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

SCOC staff continue to work with the State Office of Information Technology in preparing for this migration.

DATE OF LAST CYCLE VISIT THAT STANDARD VIOLATIONS WERE IDENTIFIED:

Not Applicable

ANY OPEN MINIMUM STANDARD VIOLATIONS:

Not Applicable

ANY VIOLATIONS WHICH PERTAIN TO THE VARIANCE'S CONDITIONS:

Not applicable.

JUSTIFICATION FOR WHY VARIANCE SHOULD OR SHOULD NOT BE EXTENDED:

This variance request should be approved to allow for the completion of the migration to the latest version of SharePoint.

REVIEWED BY REGIONAL SUPERVISOR:

TM DATE: 10-9-15

Re 10/9/15

OFFICIAL USE ONLY:

NOTES OF MEETING: _____

Name of Facility: Broome CJ**Variance #**15-V-06

New: **Renewal:** **Relief from Standard:** Part 7008**Application by:** Sheriff David E. Harder**Date Request Rec:** 09/22/15**Last Approved:****Length of Approval:****Expiration:****Write-up Prepared by:** Chester Martinez**Recommendation by Field Staff:** Approval for 7-days.**Recommendation at Briefing:****Final Recommendation:**

SUMMARY OF VARIANCE REQUEST

Sheriff Harder states that the current construct project team will need unrestricted access to the area immediately adjacent to the public visitation area in order to make penetration for our new housing unit. Due to the safety and process associated with [REDACTED] we are requesting a full closure of public visitation for 7 days during the month of November at the exact time to be determined. If granted we will continue to provide initial visits and legal visits with counsel as necessary.

RECOMMENDED CONDITIONS IF APPROVED

1. The facility administration shall notify the Commission no later than one (1) week prior to closing visitation. Further, facility administration shall notify the Commission as to the date the construction project is completed and the reinstatement of visitation for all inmates.
2. The facility shall properly notify all inmates and the public through use of their public website, Facebook and official Twitter feeds as to when visitation will be closed.
3. All inmates shall continue to be provided with initial visits and legal visits with counsel as necessary.

VARIANCE HISTORY

N/A

CONSTRUCTION/RENOVATION PLANS

The Commission has approved the construction of a medical unit and the conversion of the inside gym into a 60-bed living unit.

OTHER VARIANCES IN EFFECT

None

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

On September 15, 2015, Commission staff members William Benjamin and Steven Savoy visited our site on September 3, 2015 and reviewed our request with no issues being noted.

DATE OF LAST CYCLE VISIT THAT STANDARD VIOLATIONS WERE IDENTIFIED:

None

ANY OPEN MINIMUM STANDARD VIOLATIONS:

No other open issues

ANY VIOLATIONS WHICH PERTAIN TO THE VARIANCE'S CONDITIONS:

None

JUSTIFICATION FOR WHY VARIANCE SHOULD OR SHOULD NOT BE EXTENDED:

Approval of this variance will reduce the flow of inmates to an area of the facility where the safety and security of the physical plant will be compromised [REDACTED]

REVIEWED BY REGIONAL SUPERVISOR:

[Handwritten signature]
[Handwritten initials]

DATE:

10/13/15
10/13/15

OFFICIAL USE ONLY:

NOTES OF MEETING: _____

Broome County Office of the Sheriff



David E. Harder
Sheriff

Eric C. Janis
Undersheriff

155 Lt. Van Winkle Drive
Binghamton, New York 13905

September 14, 2015

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

RE: Request for Variance

Dear Mr. Beilein:

I would like to request a variance pursuant to section 7050.2 (a) (2) of the NY Minimum standards as it correlates to section 7008.3 Availability of visits. [REDACTED]

[REDACTED] Due to the safety and process [REDACTED] we are requesting a full closer of public visitation for 7 days during the month of November at an exact time to be determined. Members of your senior field staff, William Benjamin and Steven Savoy visited our site on September 3, 2015 and reviewed our request with no issues being noted.

If granted we will continue to provide initial visits pursuant to 7008.4 and legal visits with counsel as necessary. In addition, we will make public on our website, Facebook and official Twitter feeds the proper notification about the closure. I will also provide the commission with the exact dates for closer once the construction schedule is set. Thank you in advance for your anticipated consideration of this request.

Respectfully,

Handwritten signature of David E. Harder in black ink.
David E. Harder
Broome County Sheriff



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

New	_____
Renewal	_____
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: Broome County

Person requesting: Sheriff David E. Harder

(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: 7008 Section: 5 (a) 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)

[REDACTED]

Due to the safety and process associated with [REDACTED], we are requesting a full closure of public visitation for 7 days during the month of November at the exact time to be determined. If granted we will continue to provide initial visits and legal visits with counsel as necessary.

- 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:

7 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).

The NYS Commission of correction will be provided the exact dates for closure once the construction schedule is set. Once this particular construction phase is completed, visitation for the inmate population will resume as per the normal visitation schedule.

G. Has this variance been previously approved?

Yes _____ If yes, include the variance number _____ No X

Eric L. Jones

09/15/15

Signature (Sheriff) (Chief Administrative Officer)

Date

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

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



**Commission of
Correction**

OAB

FROM: Chairman Thomas A. Beilein **DATE:** September 22, 2015

SENDER: Sheriff David Harder

AGENCY: Broome County Sheriff's Office

DATE OF ORIGINAL RECEIVED: September 14, 2015

REF: Request for Variance

DOCUMENT DESCRIPTION: Letter/enclosures

CHAIRMAN'S COMMENTS:

-----Routing Information-----

REGIONAL SUPERVISOR: Savoy

CC:

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: 8/25/15

Last Approved: 5/19/2015

Length of Approval: 6 Months

Expiration: 11/1/15

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. The county awaits a court decision on its most recent appeal concerning ongoing litigation with the Village of Herkimer.

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

2015	Recommendation Action Taken Length of Variance Conditions, if changed	Approval Approved at Meeting 5/19/15 6 Months
2014	Recommendation Action Taken Length of Variance Conditions, if changed	Approval Approved at Meeting 11/18/14 6 Months
2014	Recommendation Action Taken Length of Variance Conditions, if changed	Approval Approved at Meeting 5/20/14 6 Months

SCOC VARIANCE WRITE-UP FORM: EFFECTIVE JANUARY 2010

2013	Recommendation	Approval
	Action Taken	Approved at Meeting 11/19/2013
	Length of Variance	6 Months
	Conditions, if changed	
2013	Recommendation	Approval
	Action Taken	Approved at Meeting 5/21/2013
	Length of Variance	6 Months
	Conditions, if changed	
2013	Recommendation	Approval
	Action Taken	Approved at Meeting 2/19/2013
	Length of Variance	90 Days
	Conditions, if changed	
2012	Recommendation	Approval
	Action Taken	Approved at Meeting 11/20/12
	Length of Variance	90 Days
	Conditions, if changed	
2012	Recommendation	Approval
	Action Taken	Approved at Meeting 8/14/12
	Length of Variance	90 Days
	Conditions, if changed	
2012	Recommendation	Approval
	Action Taken	Approved at 05/15/12 Meeting
	Length of Variance	90 Days
	Conditions, if changed	
2012	Recommendation	Approval
	Action Taken	Approved at 01/17/12 Meeting
	Length of Variance	120 Days
	Conditions, if changed	
2011	Recommendation	Approval
	Action Taken	Approved at 10/18/11 Meeting
	Length of Variance	90 Days
	Conditions, if changed	
2011	Recommendation	Approval
	Action Taken	Approved at 04/19/11 Meeting
	Length of Variance	90 Days
	Conditions, if changed	
2011	Recommendation	Approval
	Action Taken	Approved at 2/15/11 Meeting
	Length of Variance	90 Days
	Conditions, if changed	

2010	Recommendation	Approval
	Action Taken	Approved at 10/10 Meeting
	Length of Variance	30 Days
	Conditions, if changed	
2010	Recommendation	Approval
	Action Taken	Approved at 7/10 Meeting
	Length of Variance	90 Days
	Conditions, if changed	
2010	Recommendation	Approval
	Action Taken	Approved at 4/10 Meeting
	Length of Variance	60 Days
	Conditions, if changed	
2010	Recommendation	Approval
	Action Taken	Approved at 2/10 Meeting
	Length of Variance	90 Days
	Conditions, if changed	
	Conditions, if changed	

CONSTRUCTION/RENOVATION PLANS

08/25/2015

Elisha Hamilton completed an on-site assessment of facility compliance with the variance conditions set forth in 06-V-05. See comments under *Summary of Variance Request*.

08/28/14

Terrence Moran and Elisha Hamilton completed an on-site assessment of facility compliance with the variance conditions set forth in 06-V-05. See comments under *Summary of Variance Request*.

03/17/14

Elisha Hamilton completed an on-site assessment of facility compliance with the variance conditions set forth in 06-V-05. See comments under *Summary of Variance Request*.

10/24/13:

Terrence Moran and William Benjamin completed an on-site assessment of facility compliance with the variance conditions set forth in 06-V-05. See comments under *Summary of Variance Request*.

4/11/13:

Cynthia Diaz completed an on-site assessment of facility compliance with the variance conditions set forth in 06-V-05. According to County Administrator James Wallace, the Village of Herkimer has perfected their appeal and Herkimer County is scheduled to be heard in September 2013. They 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 September 28, 2015. Compliance with these conditions was noted.

DATE OF LAST CYCLE VISIT THAT STANDARD VIOLATIONS WERE IDENTIFIED:

April 27 – May 1, 2015.

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 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:

DATE:

10/9/15

OFFICIAL USE ONLY:

NOTES OF MEETING: _____

Name of Facility: **ONONDAGA PENITENTIARY** Variance # **13-V-10**

New: Renewal: X Number of renewals: 0

Relief from Standard # 7040.5 MFC Application by: Comm Tim Cowin Date rec.: 8/17/15

Beds at standard: 512 Variance Beds: 58 Current Population: 491 %: 95.9 (10-15-15)

Last Approved: 11/14 Length of Approval: 1 Year Expiration: 11/15

Recommendation: APPROVE Length Recommended: 7 Months By: Cindee Diaz

- **Commission staff recommend approval for 7 months so the variance expires at the same time as 02-V-10.**

SUMMARY OF VARIANCE REQUEST

Because the inmate population continues to increase as a result of boarding in inmates from the Onondaga Justice Center, the Onondaga Penitentiary is requesting relief from Part 7040.5(a), Maximum Facility Capacity of the *Minimum Standards*. The facility is requesting to utilize a program room within one of its 60-bed dormitory-type units (Unit 5) to house up to six (6) weekenders during the weekends. These inmates will be afforded the same supervision, privileges and services that are afforded to the general population.

RECOMMENDED CONDITIONS

- (1) That the penitentiary is authorized to house six (6) additional inmates in the Program Room of Unit # 5 for a total of six (6) variance beds.
- (2) That the facility shall assign an additional officer whenever the total population of Unit 5 exceeds sixty (60) inmates on any given shift.
- (3) That the facility maintains within the respective housing area a logbook or recording via automated system on ongoing total count of inmates and staff present within the unit.
- (4) That inmates housed in the room be provided with a bunk, cot, or at a minimum a 'boat' to be used as a bed.
- (5) That 'active supervision' must be provided on a 24-hour basis, pursuant to 9NYCRR Section 7003.2c.
- (6) That inmates housed in the above-noted areas receive the same services and programs as the general population.
- (7) 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

11/14 Approved for 12 months
11/13 New Variance-Approved

FACILITY SITE VISIT

Site Visit Date: 10/16/15

By: Cindee Diaz

Outstanding issues: None.

Open violations that relate to the variance request: None.

CONSTRUCTION/RENOVATION PLANS

Construction progress, if building additional capacity: None.

OTHER VARIANCES IN EFFECT

02-V-10 – Double Ceiling

99-V-16 – Day Space-Unit 1

95-V-18 – Sell OTC in Commissary (Permanent variance)

96-V-32 – RX by inmates (Permanent variance)

MISCELLANEOUS INFORMATION

The unit contains 7 sinks, 6 toilets and 5 showers. For the increase from 60 to up to 66 inmates in Unit 5, the inmate ratio for each set of fixtures remains in compliance with Part 7040, Maximum Facility Capacity of the *Minimum Standards*.

The weekenders placed in the room would utilize the room for sleeping only. There is ample day space area outside the room within the dormitory.

The total square footage of the program room is 252 square feet. In lieu of the placement of 6 single bunks, the facility would place 3 double bunks in the room, requiring half the floor space.

JUSTIFICATION

This variance would continue to make possible for the facility to house their weekend population in one specific area, in a facility that has a rising inmate population as a result of the boarding in of additional inmates from the Onondaga Justice Center. The unit has a sufficient number of sinks, toilets and showers to accommodate the additional 6 weekenders in accordance

with Part 7040, Maximum Facility Capacity. The dormitory-style setting allows for ample day space. Utilizing three double-bunks reduces the footprint by half as opposed to using six single bunks. And, this relief has been granted by the Commission for other counties, currently as well as in the past.

St. Louis 10/16/15



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: 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)

To continue to have the ability to place 6 beds (3) double bunks in a program room located within Unit 5 for up to 6 weekenders. Unit 5 houses up to sixty (60) inmates, an additional officer will be assigned to supervise the additional inmates between 0730 and 2330 hours. These inmates will be afforded the same supervision, privileges and services that is offered to the general population. When used the door to the program room will be removed, the program room is located in close proximity to the unit officer's work station. Unit 5 is a direct supervision dormitory style housing unit.

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 relief of square footage requirements as the program room is two-hundred-fifty-two (252) square feet (see attached drawing). Due to boarding in unsentenced inmates from the Onondaga County Justice Center our inmate population continues to increase.

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

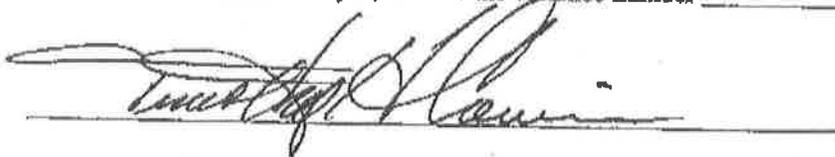
_____ Days _____ Weeks 12 Months

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).

If this variance renewal request is approved the program room in Unit 5 would be used on as needed basis.

G. Has this variance been previously approved?

Yes X If yes, include the variance number _____ No 13-V-10



August 14, 2015

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: 570	Beds Requested This Variance: 36	
Total Variance Beds This Facility: 52	Current Population: 491	#: 95.9 (10-15-15)
Last Approved: 04/217/15	Length of Approval: 1 year	Expiration: 05/01/16
Recommendation: Approval	Length Recommended: same as previous By: Cindee Diaz	

SUMMARY OF VARIANCE REQUEST

Commissioner Cowin is requesting a change in designation of the double cells previously approved in this variance. Currently the variance 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. Below is a list of changes requested by the facility.

Currently the following cells are approved for double-celling:

Unit 2A - 12 thru 15

Unit 2 - 17 thru 24

Unit 3 - 17 thru 24 & 27 thru 30

Unit 4 - 17 thru 24 & 7, 8, 33, 34

I am requesting a modification to the cells that are approved for double celling as follows:

Unit 2A - No change

Unit 2 - 33 thru 40

Unit 3 - 3 thru 8 & 33 thru 38

Unit 4 - 3 thru 8 & 33 thru 38

Commission staff member Cynthia Diaz reviewed the requested changes to this variance on 10/16/15. Currently the doubled cells are located on the upper cells directly in front of the officer on unit 2-4. The facility administration is requesting to move the double cells to the left or right side block from the officer's station. These block are the same distance from the officer's station as the front blocks. This will allow the facility to use the front cells for special housing cells

RECOMMENDED CONDITIONS

At the October 20, 2015 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	33-40	32	8	40
3	3-8 & 33-38	48	12	60
4	3-8 & 33-38	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

2013-	Recommendation Action Taken Length of Variance Conditions, if changed:	Approval Approved at 8/11 Meeting 1 year
2012-	Recommendation Action Taken Length of Variance Conditions, if changed:	Approval Approved at 8/11 Meeting 1 year
2011-	Recommendation Action Taken Length of Variance Conditions, if changed:	Approval Approved at 8/11 Meeting 1 year
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 Action Taken Length of Variance Conditions, if changed: Length of Variance Conditions, if changed from first variance:	Approval Approved at 8/06 Meeting 1 year 1 year SAME

FACILITY SITE VISIT

Last reviewed for this variance on: 10/23/15 *By:* Cindee Diaz

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:

10/16/15



JOANNE M. MAHONEY
County Executive

ONONDAGA COUNTY
DEPARTMENT OF CORRECTION

PO BOX 143
JAMESVILLE, NEW YORK 13078
(315) 435-5581
Fax: (315) 435-5596
www.ongov.net



TIMOTHY H. COWIN
Commissioner

October 13, 2015

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

Dear Chairman Beilein:

As you know, the Onondaga County Department of Correction is currently authorized under variance #02-V-10 for thirty-six (36) cells to be used for double-celling.

Currently the following cells are approved for double-celling:

Unit 2A	12 thru 15
Unit 2	17 thru 24
Unit 3	17 thru 24 & 27 thru 30
Unit 4	17 thru 24 & 7, 8, 33, 34

I am requesting a modification to the cells that are approved for double-celling as follows:

Unit 2A	No change
Unit 2	33 thru 40
Unit 3	3 thru 8 & 33 thru 38
Unit 4	3 thru 8 & 33 thru 38

If approved, it is believed that the modification will allow us effectively manage our inmate population specifically, segregated inmates and the ability to ensure more effective use of facility showers with limited movement.

Please contact me with any questions you may have regarding this request.

Sincerely,

Timothy H. Cowin
Commissioner

Name of Facility: Tompkins CJ**Variance #** 15-V-02

New: **Renewal:** **Relief from Standard:** Part 7028**Application by:** Sheriff Kenneth W. Lansing**Date Request Rec:** 09/01/15**Last Approved:** September 15, 2015**Length of Approval:** 1 months **Expiration:** 11/1/15**Write-up Prepared by:** Chester Martinez**Recommendation by Field Staff:** Approve**Recommendation at Briefing:** 30 days**Final Recommendation:**

SUMMARY OF VARIANCE REQUEST

Sheriff Lansing is requesting a temporary variance to conduct recreation in Program A (approx. 600 sq ft and currently their indoor recreation area) and leave the exterior door open to allow inmates unrestricted access to a 128 sq ft area that is secure with chain link on top and sides but provides inmates with fresh air and sun light. For this option, the facility will restrict the number of inmates allowed in the recreation area to 15 inmates per group. An Officer would be posted inside the area while any exercise period is going on. The facility will raise the minimum man power requirement for 3-11 shift from 7 to 8 until the recreation is complete for all inmates. To complete this, the facility will have up to 8 separate Exercise periods per day starting at 0715 and ending at 2100hrs.

An extension of 30 days has been requested by the county as the constuction on the outside recreation area will not be completed until mid November (see atached letter)

RECOMMENDED CONDITIONS IF APPROVED**VARIANCE HISTORY**

September 2015 - Approved for 1 month

April 2015 – Approved for 5 months

CONSTRUCTION/RENOVATION PLANS

The Commission has approved the construction of a covered recreation area inside the current recreation area.

OTHER VARIANCES IN EFFECT

09-V-04

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

July 21 -23, 2015

DATE OF LAST CYCLE VISIT THAT STANDARD VIOLATIONS WERE IDENTIFIED:

July 21 -23, 2015

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 will provided inmates with fresh air and sun light as required by Part 7028.

REVIEWED BY REGIONAL SUPERVISOR:



DATE:

10/15/15

OFFICIAL USE ONLY:

NOTES OF MEETING: _____

TOMPKINS COUNTY SHERIFF'S OFFICE

779 WARREN ROAD
ITHACA, NY 14850

KENNETH LANSING
SHERIFF



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

BRIAN ROBISON
UNDERSHERIFF

10/13/15

Chairman Thomas A. Beilein
State Commission of Correction
Alfred E. Smith State Office Building
80 S. Swan Street 12th Floor
Albany, NY 12219

Dear Chairman Beilein,

The Tompkins County Jail is in the process of adding seven beds to the MFC. Part of this project includes the construction of a covered recreation area inside the current recreation area. It is the intention of Tompkins County to be able to provide the inmates with the most outside exercise throughout the year. The project was bid with the intention of having the least amount of construction time with the contractors being told that all materials must be on site prior to construction.

Due to current construction completion timelines, the attached variance application is a request to extend the Temporary Recreation Area Variance No. 15-V-02 by another 30 days up to and including December 1, 2015.

Thank you for your consideration during our construction project.

Sincerely,


Ray Bunce
Captain – Corrections Division
Tompkins County Sheriff's Office

Cc: Ken Lansing, Sheriff
Brian Robison, Undersheriff



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

New	_____
Renewal	_____
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: Tompkins County Jail

Person requesting: Ray Bunce

(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: 7028.4 Section: B 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)

The Tompkins County Jail is in the process of adding 7 beds to our MFC. During this process, we have been conducting inmate Exercise in a small area off of our program A room under variance number 15-V-02. Due to current construction time lines, we are requesting to extend that variance until December 1, 2015

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 is necessary in order to provide inmates opportunity to a fresh air exercise area during the construction project.

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

30 Days 0 Weeks 0 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).

The variance is a necessary part of adding to the MFC of our facility. The current project will add 7 bed spaces to the MFC.

G. Has this variance been previously approved?

Yes _____ If yes, include the variance number 15-V-02 No _____



Signature (Sheriff) (Chief Administrative Officer)

10/15/15

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).

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