
IN THE MATTER

OF THE

ERIE COUNTY

HOLDING CENTER

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

TO: Sheriff Timothy Howard
Erie County Sheriff's Department
10 Delaware Avenue
Buffalo, New York 14202

Cheryl A. Green
Erie County Attorney
69 Delaware Avenue
Suite 300
Buffalo, New York 14202

GREETINGS:

The New York State Commission of Correction, having learned, upon information and belief, that inmates of the Erie County Holding Center are not provided suitable and necessary housing conditions, nor sufficient access to visitation, inmate grievance programs, personal hygiene items or an adequate system of inmate discipline, has determined that the Erie County Sheriff is violating, or is about to violate, the following minimum standard regulations relating to the management and affairs of a local correctional facility:

9 NYCRR §7002.9(a)

Each local correctional facility shall prepare and distribute to all prisoners, upon admission, a written copy of facility rules and information. Such rules and information shall include, but is not limited to, the following:

- (1) facility rules of conduct, penalties for violation, and disciplinary procedures;
- (2) available health services, including physician visits and sick calls;

- (3) telephone services and rules for use;
- (4) exercise periods and rules;
- (5) information and eligibility criteria for any available facility program including, but not limited to:
 - (i) temporary release programs;
 - (ii) educational programs;
 - (iii) counseling programs;
 - (iv) vocational programs; and
 - (v) work programs;
- (6) commissary operations;
- (7) lock-in and lock-out times, wake-up and lights-out times;
- (8) rules for the use of television, radio or musical instrument playing;
- (9) package rules and permissible items;
- (10) correspondence rules;
- (11) visitation rules and schedules;
- (12) eligibility criteria and procedures for requesting funeral and deathbed visits;
- (13) eligibility criteria and procedures, including application forms, for conditional release;
- (14) divine worship schedules;
- (15) grievance procedures;
- (16) the availability of legal reference materials and supplies, including a specific reference to the availability of rules and regulations of the State Commission of Correction; and
- (17) any additional information the chief administrative officer feels may assist prisoners.

9 NYCRR §7005.2(a)

Hot showers shall be made available to all prisoners daily. Consistent with facility health requirements, the chief administrative officer may require prisoners to shower periodically.

9 NYCRR §7005.6(a)

Upon admission to a facility, all prisoners shall be provided at facility expense with an issue of a personal health care items, including but not limited to:

- (1) soap;
- (2) toothbrush;
- (3) toothpaste;
- (4) drinking cup;
- (5) toilet paper; and
- (6) bath towel.

9 NYCRR §7005.6(b)

In addition to the items listed in subdivision (a) of [section 7005.6], all female prisoners shall be provided at facility expense with necessary feminine hygiene items, including but not limited to:

- (1) tampons; and
- (2) sanitary napkins.

9 NYCRR §7005.9(a)

Upon admission to a facility, all prisoners shall be provided at facility expense with an issue of clean bedding in good condition.

9 NYCRR §7006.3(a)

The chief administrative officer of each facility shall develop written rules of inmate conduct which contain a list of all rules and regulations governing inmate behavior.

9 NYCRR §7006.3(b)

The rules of inmate conduct shall include:

- (1) all chargeable offenses;
- (2) the range of punishments that may be imposed for each violation, consistent with the seriousness of the conduct prohibited; and
- (3) a detailed description and an explanation of the facility's disciplinary procedures.

9 NYCRR §7006.3(c)

Each inmate shall be provided with a copy of the rules of inmate conduct upon admission to the facility, and a copy shall also be maintained in the facility law library.

9 NYCRR §7006.7(a)

An inmate who threatens the safety, security, and good order of the facility may be immediately confined in a cell or room pending a disciplinary hearing and may be retained in administrative segregation until the completion of the disciplinary process.

9 NYCRR §7006.7(b)

Within 24 hours of such confinement, the inmate shall be provided with a written statement setting forth the reason(s) for such confinement. Upon receipt of the written statement, the inmate shall be provided with an opportunity to respond to such statement orally or in writing to the chief administrative officer.

9 NYCRR §7006.7(c)

The chief administrative officer shall review the administrative confinement within 24 hours of such confinement in order to determine if continued confinement is warranted.

9 NYCRR §7006.10(b)

All appeals [of a hearing officer's disposition and sanction] shall be reviewed and decided within five business days after receipt and each inmate shall be notified in writing of the results.

9 NYCRR §7008.3(a)

Except as provided in Part 7006 of [Title 9], each prisoner shall be entitled to at least two hours of visitation each week. Each visit shall be at least 30 minutes.

9 NYCRR §7008.3(b)

The chief administrative officer shall establish and publish a schedule of visits to ensure that each inmate has the opportunity for at least two visits per week.

9 NYCRR §7008.5(a)

Consistent with the requirements of [9 NYCRR Part 7008], any properly identified person shall, with the prisoner's consent, be permitted to visit that prisoner.

9 NYCRR §7008.5(b)

As used in [section 7008.5], the term *properly identified person* shall mean a person who presents adequate proof as to his identity.

9 NYCRR §7013.8(a)

After initial screening and risk assessment is completed and prior to determining each inmate's primary housing assignment, the inmate shall be placed in a housing unit within a housing area(s) designated for classification purposes. Such housing area(s) may be utilized on a temporary or permanent basis, given the needs and physical plant limitations of each facility.

9 NYCRR §7024.2(a)

Consistent with the requirements of section 7024.1(b) of this Part, all prisoners shall be permitted to congregate for the purpose of religious worship and other religious activities.

9 NYCRR §7024.8

Consistent with the requirements of section 7024.1(b) of this Part, prisoners shall be entitled to wear and possess religious medals or other religious articles.

9 NYCRR §7026.1

Consistent with the requirements of this Part, prisoners are entitled to receive any printed material or publication that is generally available to the public. Prisoners shall be permitted to receive such material:

- (a) from any source, including but not limited to family, friends or publishers;
- (b) as a gift, or pursuant to order or subscription.

9 NYCRR §7028.2(b)

All inmates who have completed the classification process pursuant to sections 7013.7 and 7013.8 of [Title 9], except as otherwise provided in subdivision (c) of this section or section 7028.6 of this Part, shall be entitled to exercise periods which, at the discretion of the chief administrative officer, shall consist of:

- (1) at least 1-1/2 hours during each of five days per week; or
- (2) at least one hour seven days a week.

9 NYCRR §7031.4(a)

Consistent with the requirements of [9 NYCRR Part 7031], each local correctional facility shall provide prisoners access to current legal reference materials.

9 NYCRR §7032.1

In order to provide an effective and impartial procedure for the timely resolution of inmate complaints, the chief administrative officer of each local correctional facility shall establish, implement and maintain a formal inmate grievance program. Every effort shall be made to resolve inmate complaints in an informal manner.

9 NYCRR §7032.4(a)

Any inmate incarcerated in a local correctional facility shall be provided access to the facility's grievance program.

9 NYCRR §7032.4(b)

Instructions for filing a grievance shall be included in the facility rules and information as required by section 7002.9(a)(15) of [Title 9].

9 NYCRR §7032.4(c)

Each inmate at any facility shall be advised in writing as to the availability of grievance forms upon admission.

9 NYCRR §7032.4(d)

Facility staff shall make forms readily available so that an inmate may file a grievance. An inmate must file a grievance within five days of the date of the act or occurrence giving rise to the grievance.

9 NYCRR §7032.4(i)

Within five business days of the receipt of a grievance, the grievance coordinator shall issue a written determination. Such determination shall specify the facts and reasons underlying the coordinator's determination. A copy of such determination shall be provided to the grievant.

9 NYCRR §7032.4(k)

Within five business days after receipt of a grievance appeal, the chief administrative officer shall issue a determination on the grievance appeal and provide a copy of such determination to the grievant.

9 NYCRR §7032.5(b)

Within three business days after receipt of the grievant's notice of appeal, the grievance coordinator shall mail the appeal, the accompanying investigation report and all other pertinent documents to the Commission's Citizens' Policy and Complaint Review Council.

9 NYCRR §7040.3

The total number of inmates confined within each correctional facility shall not exceed the maximum facility capacity of such facility.

The Erie County Sheriff, upon information and belief, is violating the above minimum standard regulations relating to the management and affairs of a local correctional facility in that inmates of the Erie County Holding Center are not provided suitable and necessary housing conditions, nor sufficient access to visitation, inmate grievance programs, personal hygiene items or an adequate system of inmate discipline more specifically set forth below:

FACILITY HOLDING AREAS

The Erie County Holding Center's holding areas (Court Hold #1-#7, Isolation #1-#5, M-Intake Pen, F-Holding Pen, M-Holding Pen) are designed for short term holding contemporaneous to inmate intake, booking and screening. Lacking beds, mattresses and the dayroom and shower capabilities required for standard inmate housing, such areas each routinely hold as many as thirty (30) inmates yet each contain only one (1) sink and toilet. As such, these cells and pens are not rated for standard inmate housing per the facility's November 8, 2006 Commission-issued Maximum Facility Capacity (MFC).

Upon an inmate's admission, 9 NYCRR §7013.7(a) requires a local correctional facility to perform an initial screening and risk assessment of such inmate. Following completion of the screening and assessment, but prior to determining the inmate's primary housing assignment, 9 NYCRR §7013.8(a) requires the facility to place such inmate in a housing unit within a housing area designated for classification purposes. For this reason, the Erie County Holding Center's MFC limits the time inmates may be held in the holding areas to twelve (12) hours, where inmates are individually detained, or four (4) hours where more than one inmate is detained in a cell or pen.

Nevertheless, inmates are routinely subjected to lengthy stays in the holding areas following the completion of their initial screening and risk assessment instead of being placed in a

housing unit designated for classification purposes. As a result, such admitted inmates are denied beds, mattresses, clean bedding, showers, and required personal health care and hygiene items. Additionally, such inmates are denied the benefit of the additional floor space and toilet and sink access that would accompany a proper admission to a standard inmate housing unit.

VISITATION

Pursuant to 9 NYCRR §7008.3, a local correctional facility must establish and publish a schedule of visits to ensure that each inmate receives at least two (2) visits totaling at least two (2) hours of visitation per week. Further, 9 NYCRR §7008.5 provides that any person who presents adequate proof as to his or her identity shall be permitted to visit an inmate.

As presently established and operated, the visitation system employed by the Erie County Holding Center is insufficient to meet the requirements set forth in 9 NYCRR Part 7008, and in fact acts to frustrate and obstruct prospective visitors from successfully engaging in inmate visitation. Specifically, visitation is conducted only five (5) days per week, whereupon visitors are required to wait in line, at two designated times per day, to procure visitation "tickets" for that particular day. A limited number of such tickets are distributed at each designated time, and those visitors who do not receive a ticket are denied visitation. Those who receive tickets must further wait to be screened by jail staff prior to visitation. During such screening, and in addition to providing adequate proof as to identity, potential visitors are required to provide proof of a current address, such as a recent telephone or utility bill, and are refused visitation without the same. While 9 NYCRR §7008.5(c)(2) requires a visitor to provide his or her address, such regulation only requires a visitor to present adequate proof as to identity.

During a previous audit by Commission staff, it was observed that actual visitation is conducted only between the hours of 8:15 a.m. and 11:15 a.m., and thereafter from 1:30 p.m. to 2:00 p.m., five days a week. Assuming that each of the 22 seats in the visitation room is occupied during each of these periods, such a schedule only allows for a maximum of 412.5 hours of visitation per week. With a maximum facility capacity of 611 and a present inmate population over 450, the Erie County Holding Center, per Commission regulations, must currently accommodate over 900 hours of potential inmate visitation, more than double what is currently offered.

INMATE DISCIPLINE

As required by 9 NYCRR §7006.3, each facility must develop and provide to each admitted inmate the written rules of inmate conduct, which shall include all chargeable offenses, the possible punishment for any such violation, and a detailed description and an explanation of the facility's disciplinary procedures. Commission staff have found that, at the Erie County Holding Center, such written rules of inmate conduct either do not exist or are not in sufficient

supply for inmate allocation, as such distribution has not occurred since at least October of 2008.

While deprived of the written rules of conduct, inmates are nevertheless charged with violations of such rules, and thereafter prosecuted via inmate disciplinary hearings. Although 9 NYCRR §7006.7(a) allows administrative segregation pending a disciplinary hearing for only those inmates who threaten the safety, security, and good order of the facility, every inmate charged with a rule violation is subjected to such segregation. Inmates subject to such confinement are not provided a written statement setting forth the reasons therefore, nor provided an opportunity to respond to such statement orally or in writing to the chief administrative officer. Further, the facility's chief administrative officer routinely fails to review any such administrative confinement within 24 hours to determine if continued confinement is warranted, as required by 9 NYCRR §7006.7(c). Lastly, inmate appeals of dispositions and sanctions resulting from disciplinary hearings are routinely not decided within five (5) business days, as required by 9 NYCRR §7006.10(b).

INMATE GRIEVANCE PROGRAM

9 NYCRR §7002.9(a) requires a facility to prepare and distribute to all inmates, upon admission, a written copy of the facility rules and information, which shall include instructions on facility grievance procedures. However, and as is the case with the written rules of inmate conduct, the written facility rules and information either do not exist or are not in sufficient supply for inmate allocation, as such distribution has not occurred since at least October of 2008. This fact, coupled with the facility's failure to provide grievance forms on the housing units, has denied the inmates of the Erie County Holding Center sufficient access to the facility's grievance program by not making such program and forms readily available. Such lack of access is apparent in that, despite the facility's relatively large inmate population, only eleven (11) grievances were ultimately appealed to the Commission's Citizens' Policy and Complaint Review Council (CPCRC) in all of 2008.

In instances where access to the grievance program is provided, the facility's administration routinely fails to meet the regulatory time requirements. Specifically, the facility's grievance coordinator habitually fails to render a written determination within five business days of the receipt of a grievance. Further, the chief administrative officer customarily fails to issue a determination of any appeal to the grievance coordinator's decision within five business days. Lastly, Commission staff have noted occasions wherein grievances, denied by the facility's chief administrative officer, were either not forwarded to the Commission upon the inmate's release or desire to appeal to the CPCRC, or were forwarded beyond the three business days allowed by regulation.

INMATES SUBJECT TO CONSTANT SUPERVISION

Pursuant to 9 NYCRR §7003.3(h)(3), an inmate may be placed on "constant supervision" when required by the inmate's condition, illness or injury. Though subject to such enhanced

supervision, an inmate does not otherwise forfeit the rights and services guaranteed by Commission regulations. Despite this fact, inmates subject to constant supervision in the Erie County Holding Center, by practice or policy, are customarily deprived the use and possession of sheets and bedding, soap, toothbrushes, toothpaste, drinking cups, toilet paper, bath towels, tampons/sanitary napkins and a change of undergarments. Further, such inmates are routinely deprived of required outdoor exercise periods, access to legal reference materials, congregate religious services, religious medals or other religious articles, printed materials and publications, and incoming correspondence.

FEMININE HYGIENE PRODUCTS

9 NYCRR §7005.6(c) requires a local correctional facility to provide, at facility expense, all female inmates with necessary feminine hygiene items, including tampons and sanitary napkins. During a previous audit by Commission staff, it was observed that the Erie County Holding Center does not maintain a sufficient supply of such feminine hygiene items, and female inmates are thus regularly deprived of the same.

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

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

WHEREAS, the Erie County Sheriff, upon information and belief, is violating the above minimum standard regulations relating to the management and affairs of a local correctional facility, it is hereby

RECOMMENDED, that the Erie County Sheriff undertake remedial action to improve the conditions of confinement for inmates incarcerated at the Erie County Holding Center, by assigning inmates to proper housing in accordance with the limitations and conditions of the Maximum Facility Capacity of the facility, as previously issued by the Commission; and it is further

RECOMMENDED, that the Erie County Sheriff establish and schedule a system of inmate visitation that does not serve to frustrate or obstruct visitors, wherein inmates have the opportunity to engage in two hours of contact visitation each week, and it is further

RECOMMENDED, that the Erie County Sheriff institute a system of inmate discipline

wherein each inmate is provided a copy of the written rules of conduct, administrative segregation pending a disciplinary hearing is employed only where necessary to preserve the safety, security, and good order of the facility, the reasons therefore provided to the inmate in writing, and such segregation is reviewed and only continued upon order of the chief administrative officer, and it is further

RECOMMENDED, that the Erie County Sheriff establish, implement and maintain a formal inmate grievance program wherein inmates are provided instructions for filing a grievance, forms are readily available, and timely determinations are rendered initially and upon any subsequent appeal, and it is further

RECOMMENDED, that the Erie County Sheriff ensure that inmates determined to warrant constant supervision are provided the rights and services guaranteed by Commission regulations, including sheets and bedding, hygiene products, clothing, outdoor exercise, legal reference materials, religious services and articles, printed materials and publications, and incoming correspondence, and it is further

RECOMMENDED, that the Erie County Sheriff make certain that feminine hygiene products are in sufficient supply to meet the needs of all female inmates of the Erie County Holding Center; and you are hereby

ORDERED AND DIRECTED to assign inmates to proper housing in accordance with the limitations and conditions of the Maximum Facility Capacity for the Erie County Holding Center; to wit, inmates may not be detained in the facility's holding areas for periods longer than that designated in the Commission's Maximum Facility Capacity; and you are further

ORDERED AND DIRECTED to make available daily, to each inmate not confined in special housing, a hot shower; and you are further

ORDERED AND DIRECTED to provide each inmate, upon admission to the facility and at facility expense, with an issue of personal health care items, including but not limited to soap, a toothbrush, toothpaste, a drinking cup, toilet paper and a bath towel; and you are further

ORDERED AND DIRECTED to provide each female inmate, at facility expense, with necessary feminine hygiene items, including but not limited to tampons and sanitary napkins; and you are further

ORDERED AND DIRECTED to provide each inmate, upon admission and at facility expense, with an issue of clean bedding in good condition; and you are further

ORDERED AND DIRECTED to conduct an initial screening and risk assessment of each inmate upon admission, and upon completion promptly place such inmate in a housing unit designated for classification purposes; and you are further

ORDERED AND DIRECTED to prepare and distribute to each prisoner, upon

admission, a written copy of the facility rules and information, which shall include instructions and procedures relative to inmate grievances; and you are further

ORDERED AND DIRECTED to develop written rules of inmate conduct, which shall include all chargeable offenses, the range of punishments that may be imposed for each violation, and a detailed description and an explanation of the facility's disciplinary procedures; and you are further

ORDERED AND DIRECTED to provide a copy of the written rules of inmate conduct to each inmate upon admission to the facility; and you are further

ORDERED AND DIRECTED to employ the administrative segregation of an inmate pending a disciplinary hearing only where necessary to preserve the safety, security, and good order of the facility; and you are further

ORDERED AND DIRECTED to provide any inmate so administratively segregated pending a disciplinary hearing, within 24 hours of such confinement, a written statement setting forth the reasons for such confinement, to which the inmate shall be provided an opportunity to respond orally or in writing to the chief administrative officer; and you are further

ORDERED AND DIRECTED to conduct a review of any such administrative segregation within 24 hours of confinement, by the chief administrative officer, to determine if continued confinement is warranted; and you are further

ORDERED AND DIRECTED to require all appeals of a disciplinary hearing officer's disposition and sanction be reviewed and decided within five business days after receipt, and each appealing inmate shall be notified in writing of such; and you are further

ORDERED AND DIRECTED to provide each inmate of the Erie County Holding Center an opportunity for two hours of visitation each week, with each visit lasting at least 30 minutes; and you are further

ORDERED AND DIRECTED to establish and publish a schedule of visits to ensure that each inmate has the opportunity for at least two visits per week; and you are further

ORDERED AND DIRECTED to permit any person who presents adequate proof of identity, with the inmate's consent, to visit such inmate, subject to the limitations of 9 NYCRR Part 7008; and you are further

ORDERED AND DIRECTED to refrain from denying inmate visitation to prospective visitors on the sole basis of the inability to produce documented evidence of a current address; and you are further

ORDERED AND DIRECTED to permit all inmates to congregate for the purpose of religious worship and other religious activities, subject to the limitations of 9 NYCRR Part 7024;

and you are further

ORDERED AND DIRECTED to permit all inmates to wear and possess religious medals or other religious articles, subject to the limitations of 9 NYCRR Part 7024; and you are further

ORDERED AND DIRECTED to permit all inmates to receive any printed material or publication subject to the limitations of 9 NYCRR Part 7026; and you are further

ORDERED AND DIRECTED to permit all inmates to engage in outdoor exercise consistent with and subject to the limitations of 9 NYCRR Part 7028; and you are further

ORDERED AND DIRECTED to permit all inmates access to current legal reference materials consistent with and subject to the limitations of 9 NYCRR Part 7031; and you are further

ORDERED AND DIRECTED to establish, implement and maintain a formal inmate grievance program; and you are further

ORDERED AND DIRECTED to provide any inmate incarcerated in the Erie County Holding Center access to the facility's grievance program; and you are further

ORDERED AND DIRECTED to include instructions for filing a grievance in the facility rules and information; and you are further

ORDERED AND DIRECTED to advise each inmate at the Erie County Holding Center, in writing upon admission, as to the availability of grievance forms; and you are further

ORDERED AND DIRECTED to make formal grievance forms readily available so that an inmate may file a grievance; and you are further

ORDERED AND DIRECTED to ensure that, within five business days of the receipt of a grievance, the grievance coordinator issues a written determination, a copy of such provided to the inmate; and you are further

ORDERED AND DIRECTED to ensure that, within five business days after receipt of a grievance appeal, the chief administrative officer issues a determination on the appeal and provides a copy of such determination to the inmate; and you are further

ORDERED AND DIRECTED to ensure that, within three business days after receipt of the inmate's notice of appeal to the CPCRC, the grievance coordinator mails the appeal, the accompanying investigation report and all other pertinent documents to the CPCRC; and you are further

ORDERED AND DIRECTED to ensure that the total number of inmates confined within the Erie County Holding Center does not exceed the maximum facility capacity of such facility; and you are further

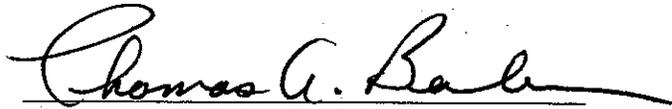
ORDERED AND DIRECTED to submit to the State Commission of Correction, by March 20, 2009, documentation substantiating compliance with this **DIRECTIVE**.

PLEASE TAKE NOTICE, that non-compliance with this **DIRECTIVE** may result in an application by the State Commission of Correction to the Supreme Court of the State of New York, pursuant to Correction Law section 46(4), for an order directing such compliance.

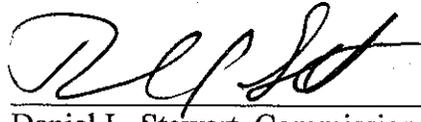
Dated: February 18, 2009
Albany, New York

STATE COMMISSION OF CORRECTION

By:



Thomas A. Beilein, Chairman



Daniel L. Stewart, Commissioner


Phyllis Harrison-Ross, M.D., Commissioner

TIMOTHY B. HOWARD
SHERIFF

RICHARD T. DONOVAN
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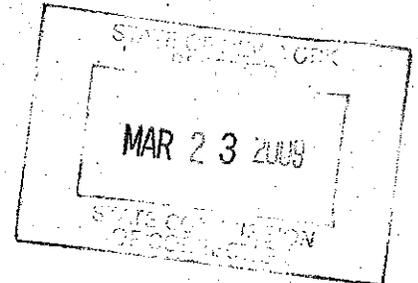
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FAX (716) 662-8477
WEBSITE: <http://www.erie.gov/sheriff>

SHERIFF OF ERIE COUNTY

March 20, 2009

VIA FAX AND FEDERAL EXPRESS/PRIORITY OVERNIGHT

Chairman Thomas A. Beilein
NYS Commission of Correction
80 Wolf Road, 4th Floor
Albany, New York 12205



Re: Documentation of Compliance With Directive Issued February
18, 2009

Dear Chairman Beilein:

We are writing to submit our documentation demonstrating that the Erie County Sheriff's Office ("Sheriff's Office") is in substantial compliance with the Directive dated February 18, 2009. As is done with Cycle Audits, the Erie County Sheriff's Office has taken each "ORDERED AND DIRECTED" section contained in the Directive, retyped it below, and provided a response thereto, entitled "SHERIFF'S OFFICE RESPONSE." As set forth below, the Sheriff's Office is in substantial compliance with the Commission's Directive.

For the record, we take issue with many of the findings in your directive. Respectfully, some of the factual findings and assertions of violations are not correct. It is my understanding that in some instances your representatives conducted tours without representatives from the Sheriff's Office which may account for the factual inaccuracies. In other cases, findings were arbitrarily made. For instance, I am told that the file cabinet containing inmate grievance materials was locked during the visit (because the Captain was on vacation) so your staff assumed and concluded there was no inmate grievance process. In the future, I believe cooperation and communication between your representatives and employees of the Sheriff's Office can alleviate or eliminate factual inaccuracies. I look forward to working with you on a collaborative process in that regard in the future.

We will respond to your directives in a straightforward manner. Nothing in this response, or the exhibits hereto, should be construed by you or any third

Letter to Thomas A. Beirlein

March 20, 2009

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party as an admission that the Sheriff's Office was not in compliance prior to your visit and/or directive. In response to your directives, we submit the following:

ORDERED AND DIRECTED to assign inmates to proper housing in accordance with the limitations and conditions of the Maximum Facility Capacity for the Erie County Holding Center; to wit, inmates may not be detained in the facility's holding areas for periods longer than that designated in the Commission's Maximum Facility Capacity;

SHERIFF'S OFFICE RESPONSE

Alpha Long and Alpha Short have been opened for pre-arraignment housing. The following documents are attached hereto as Exhibit "A": 1) Memorandum from Captain Hartman to all watch commanders and supervisors dated March 13, 2009; 2) Memorandum from Chief Reardon to Captain Hartman dated March 13, 2009; 3) Jail Management Division Policy #01.00.90; and 4) Memorandum to Alpha (for posting) from Chief Reardon dated March 17, 2009.

ORDERED AND DIRECTED to make available daily, to each inmate not confined in special housing, a hot shower;

SHERIFF'S OFFICE RESPONSE

All inmates remanded to the custody of the Sheriff are given the opportunity for showers in accordance with 9 NYCRR, Chapter I and Chapter IV.

ORDERED AND DIRECTED to provide each inmate, upon admission to the facility and at facility expense, with an issue of personal health care items, including but not limited to, soap, a toothbrush, toothpaste, a drinking cup, toilet paper and a bath towel;

SHERIFF'S OFFICE RESPONSE

All inmates remanded to the custody of the Sheriff are given personal health care items, including but not limited to soap, toothbrush, toothpaste, drinking cup, toilet paper and a bath towel.

ORDERED AND DIRECTED to provide each female inmate, at facility expense, with necessary feminine hygiene items, including but not limited to tampons and sanitary napkins;

SHERIFF'S OFFICE RESPONSE

All female inmates are given necessary feminine hygiene items, including but not limited to, tampons and sanitary napkins. The items are on-hand and ordered routinely. On each shift, a supervisor is inspecting constant observation

Letter to Thomas A. Beilein

March 20, 2009

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areas of the jail and verifying that ample supplies are on hand. A copy of the supervisor checklist is attached hereto as Exhibit "B".

ORDERED AND DIRECTED to provide each inmate, upon admission and at facility expense, with an issue of clean bedding in good condition;

SHERIFF'S OFFICE RESPONSE

All inmates remanded to the custody of the Sheriff are issued clean bedding in good condition. Moreover, new mattresses were ordered some time ago; one hundred (100) new mattresses were delivered this past week and have been disseminated as appropriate. Within the past nine months, a total of two hundred (200) new mattresses have been delivered and disseminated.

ORDERED AND DIRECTED to conduct an initial screening and risk assessment of each inmate upon admission, and upon completion promptly place such inmate in a housing unit designated for classification purposes; and you are further

SHERIFF'S OFFICE RESPONSE

The Sheriff's Office has always conducted an initial screening and risk assessment in a timely fashion. We have designated areas on Alpha Long and Alpha Short to receive and house inmates after initial screening and prior to arraignment. If any of the unarraigned inmates require special housing, such housing will be made available keeping in mind that arraigned and unarraigned inmates cannot be co-mingled. See Exhibit "A".

ORDERED AND DIRECTED to prepare and distribute to each prisoner, upon admission, a written copy of the facility rules and information, which shall include instructions and procedures relative to inmate grievances,

SHERIFF'S OFFICE RESPONSE

All inmates, upon remand to the Holding Center, receive and sign for an Inmate Handbook. Your agency's finding that inmates have not received these handbooks since October 2008 is untrue. A copy of the current inmate handbook, with addendum, is attached hereto as Exhibit "C". Five thousand new handbooks were printed and are being distributed. The handbooks were ordered and printed prior to the changes in visitation hours, religious medals policy, and printed material policy. Because of the changes, an addendum is distributed with the handbook. See Exhibit "C".

ORDERED AND DIRECTED to develop written rules of inmate conduct, which shall include all chargeable offenses, the range of punishments that may be imposed for each violation, and a detailed description and an explanation of the facility's disciplinary procedures;

SHERIFF'S OFFICE RESPONSE

The written rules of inmate conduct have always been contained in the inmate handbooks. This information is contained on pages 14 through 23 of the handbook attached hereto as Exhibit "C". Also contained on these pages are all chargeable offenses, the range of punishments that may be imposed for each violation, and a detailed description and an explanation of the facility's disciplinary procedures.

It should be noted for the record that the Sheriff's Office has requested that the Commission provide technical assistance and training in inmate discipline procedures for Sheriff's Office employees. The Commission has not yet taken steps to provide the technical assistance.

ORDERED AND DIRECTED to provide a copy of the written rules of inmate conduct to each inmate upon admission to the facility;

SHERIFF'S OFFICE RESPONSE

As previously noted, all inmates upon admission to the facility are provided with inmate handbooks which contain the required information.

ORDERED AND DIRECTED to employ the administrative segregation of an inmate pending a disciplinary hearing only where necessary to preserve the safety, security, and good order of the facility,

SHERIFF'S OFFICE RESPONSE

The Administrative Segregation Pending Detention policy, Jail Management Division policy 04.02.06 is attached hereto as Exhibit "D". It complies with the Directive. Administrative segregation pending a disciplinary hearing is employed only where necessary to preserve the safety, security, and good order of the facility in accordance with New York State Commission of Correction Regulations.

ORDERED AND DIRECTED to provide any inmate so administratively segregated pending a disciplinary hearing, within 24 hours of such confinement, a written statement setting forth the reasons for such confinement, to which the inmate shall be provided an opportunity to respond orally or in writing to the chief administrative officer;

SHERIFF'S OFFICE RESPONSE

Please see Jail Management Division policy 04.02.06 attached hereto as Exhibit "D". The policy requires the Sheriff's Office to provide any inmate administratively segregated pending a disciplinary hearing, within 24 hours of

Letter to Thomas A. Beilin

March 20, 2009

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such confinement, a written statement setting forth the reasons for such confinement, to which the inmate shall be provided an opportunity to respond orally or in writing to the chief administrative officer. The form to be used for this purpose is attached hereto as Exhibit "E".

ORDERED AND DIRECTED to conduct a review of any such administrative segregation within 24 hours of confinement, by the chief administrative officer, to determine if continued confinement is warranted;

SHERIFF'S OFFICE RESPONSE

As per the Administrative Segregation Policy (Exhibit "D"), the chief administrative officer or designee reviews any administrative segregation within 24 hours and determine if it is warranted. The determination is noted on the form attached hereto as Exhibit "E".

ORDERED AND DIRECTED to require all appeals of a disciplinary hearing officer's disposition and sanction be reviewed and decided within five business days after receipt, and each appealing inmate shall be notified in writing of such;

SHERIFF'S OFFICE RESPONSE

All appeals of disciplinary hearing officer's decisions are reviewed and decided within five business days after receipt. A copy of Jail Management Division policy # 04.02.01(d) is attached hereto as Exhibit "F". Each appealing inmate is notified in writing of the decision on his appeal on a Disciplinary Appeal Form (see Exhibit "F"). We have shifted staff assignments to expedite the appeals process. We have designated the Captain to oversee all disciplinary proceedings and have designated a Chief to oversee all grievances.

It should again be noted for the record that the Sheriff's Office has requested that the Commission provide technical assistance and training in inmate discipline procedures for Sheriff's Office employees. The Commission has not yet taken steps to provide the technical assistance.

ORDERED AND DIRECTED to provide each inmate of the Erie County Holding Center an opportunity for two hours of visitation each week, with each visit lasting at least 30 minutes;

Letter to Thomas A. Beilein

March 20, 2009

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SHERIFF'S OFFICE RESPONSE

As the Commission is aware, this issue has been discussed frequently. The Sheriff's Office has advised the Commission that almost on a daily basis (less frequent on weekends) there is unused visit time, which, by logical extension, means we are providing ample opportunity for visits. The Commission's position has been there were not enough hours. After being advised of the Commission's opinion as to the necessary number of hours the Sheriff's Office should have available for visitation for the first time in the Directive of February 18, 2009, the Sheriff's Office developed and implemented Jail Management Division policy #10.06.00, attached hereto as Exhibit "G" which complies with the Directive and instruction from Commission staff. In addition, also attached as Exhibit "G" are the following documents: 1) Memorandum to Dayshift Watch Commander from First Deputy Superintendent Leary dated March 13, 2009 regarding visiting times; 2) Memorandum to Supervisors and Visiting Staff from Superintendent Donald Livingston dated March 3, 2009 regarding second form of identification; and 3) Memorandum to All Jail Management Division Staff from First Deputy Superintendent Leary dated March 9, 2009 regarding visitor identification.

To the extent any old signs reflecting previous visiting hours were found in the lobby of the Holding Center, they have been removed. Please note, the change in hours took effect after the last batch of handbooks was printed so the Inmate Handbook Addendum, (previously attached hereto in Exhibit "C") is being disseminated.

ORDERED AND DIRECTED to establish and publish a schedule of visits to ensure that each inmate has the opportunity for at least two visits per week;

SHERIFF'S OFFICE RESPONSE

The schedule has been established. (See Exhibit "G"). It is being published through the Inmate Handbook Addendum and new lobby signs have been ordered. The language of the signs is attached hereto as Exhibit "H".

ORDERED AND DIRECTED to permit any person who presents adequate proof of identity, with the inmate's consent, to visit such inmate, subject to the limitations of 9NYCRR Part 7008;

SHERIFF'S OFFICE RESPONSE

The new Inmate Visiting Policy complies with this directive. Please see Exhibits "G" and "H".

ORDERED AND DIRECTED to refrain from denying inmate visitation to prospective visitors on the sole basis of the inability to produce documented evidence of a current address; and you are further

SHERIFF'S OFFICE RESPONSE

The new Inmate Visiting Policy complies with this directive. Please see Exhibits "G" and "H".

ORDERED AND DIRECTED to permit all inmates to congregate for the purpose of religious worship and other religious activities, subject to the limitations of 9NYCRR Part 7024;

SHERIFF'S OFFICE RESPONSE¹

All inmates are permitted to congregate for the purpose of religious worship and other religious activities, subject to the limitations of 9 NYCRR Part 7024.

ORDERED AND DIRECTED to permit all inmates to wear and possess religious medals or other religious articles, subject to limitations of 9 NYCRR Part 7024;

SHERIFF'S OFFICE RESPONSE²

All inmates are permitted to wear and possess religious medals or other religious articles, subject to the limitations of 9 NYCRR Part 7024.

ORDERED AND DIRECTED to permit all inmates to receive any printed material or publication subject to the limitations of 9 NYCRR Part 7026;

SHERIFF'S OFFICE RESPONSE³

All inmates are permitted to receive any printed material or publication subject to the limitations of 9 NYCRR Part 7026.

ORDERED AND DIRECTED to permit all inmates to engage in outdoor exercise consistent with and subject to the limitations of 9 NYCRR Part 7028;

SHERIFF'S OFFICE RESPONSE⁴

¹ The Sheriff's Office is of the understanding this ORDERED AND DIRECTED and the following four (4) relate to inmates on Constant Observation, except for the revision to permitted origins of printed materials. Attached hereto as Exhibit "J" are the revised Constant Observation policy and the memorandums issued prior to the policy revision. See also Exhibit "B" which contains the One on One Daily Checklist which is being completed each shift.

² Ibid.

³ Ibid.

⁴ Ibid.

All inmates are permitted to engage in outdoor exercise consistent with and subject to the limitations of 9 NYCRR Part 7028.

ORDERED AND DIRECTED to permit all inmates access to current legal reference materials consistent with and subject to the limitations of 9 NYCRR Part 7031; and you are further

SHERIFF'S OFFICE RESPONSE⁵

All inmates are permitted access to current legal reference materials consistent with and subject to the limitations of 9 NYCRR Part 7031.

ORDERED AND DIRECTED to establish, implement and maintain a formal inmate grievance program;

SHERIFF'S OFFICE RESPONSE (Inmate Grievance Program)

A revised Inmate Grievance Program has been developed in consultation with Commission staff by First Deputy Superintendent Barbara Leary and Captain Jeffrey Hartman who have received grievance training provided by the Commission. Attached hereto as Exhibit "I" are: 1) a copy of Jail Management Division policy #04.02.05, 2) New York State Commission of Correction Grievance Form Part I and 3) New York State Commission of Correction Form Part II. The new policy and forms comply with this ORDERED AND DIRECTED and the following seven (7) ORDERED AND DIRECTED paragraphs. All newly admitted inmates are provided the Inmate Handbook which outlines the inmate grievance process. (See Exhibit "C").

In addition, we are examining the possibility of implementing an inmate telephone system to institute the equivalent of a 911 system where an inmate can anonymously request a grievance form (or medical visit). Our current telephone system provider is consulting with its technical staff. Further, there is a Request for Proposal for commissary services which includes a provision for further consideration for companies that can provide an anonymous electronic system for requesting grievances (kiosks). It is expected that a Request for Proposal will also include a request for an electronic grievance system and request for medical visits through the telephone or kiosk. In the meantime, the paper system is being used as outlined in the Inmate Grievance Program policy. (See Exhibit "I").

Finally, in response to our past requests, the Commission has scheduled the grievance training locally for April 9, 2009. We plan on having 20 students attend. This will improve the grievance process.

⁵ Ibid.

ORDERED AND DIRECTED to provide any inmate incarcerated in the Erie County Holding Center access to the facility's grievance program;

See previous response to Inmate Grievance Program and Exhibit "I".

ORDERED AND DIRECTED to include instructions for filing a grievance in the facility rules and information; and you are further

See previous response to Inmate Grievance Program and Exhibit "I".

ORDERED AND DIRECTED to advise each inmate at the Erie County Holding Center, in writing upon admission, as to the availability of grievance forms; and you are further

See previous response to Inmate Grievance Program and Exhibit "I".

ORDERED AND DIRECTED to make formal grievance forms readily available so that an inmate may file a grievance; and you are further

See previous response to Inmate Grievance Program and Exhibit "I".

ORDERED AND DIRECTED to ensure that, within five business days of the receipt of a grievance, the grievance coordinator issues a written determination, a copy of such provided to the inmate; and you are further

See previous response to Inmate Grievance Program and Exhibit "I".

ORDERED AND DIRECTED to ensure that, within five business days after receipt of a grievance appeal, the chief administrative officer issues a determination on the appeal and provides a copy of such determination to the inmate; and you are further

See previous response to Inmate Grievance Program and Exhibit "I".

ORDERED AND DIRECTED to ensure that, within three business days after receipt of the inmate's notice of appeal to the CPCRC, the grievance coordinator mails the appeal, the accompanying investigation report and all other pertinent documents to the CPCRC; and you are further

See previous response to Inmate Grievance Program and Exhibit "I".

ORDERED AND DIRECTED to ensure that the total number of inmates confined within the Erie County Holding Center does not exceed the maximum facility capacity of such facility; and you are further

We continue to be in compliance with this Directive and court order.

Letter to Thomas A. Berlein
March 20, 2009
Page 10

With respect to your recommendation found on page 12 regarding inmates on Constant Observation, we enclose the following documents attached hereto as Exhibit "J": 1) Jail Management Division Policy #13.11.90 regarding Constant Observation; 2) JMD Form 227 for suspected suicidal inmate referral; 3) Memorandum to JMD Deputies, Supervisors and Mental Health Staff dated February 13, 2009 from First Deputy Superintendent Leary regarding constant observation posts and 4) Administrative Hearing Record , Constant Observation Conditions & Restrictions Form. As outlined in these materials, we are in compliance with all directives and recommendations.

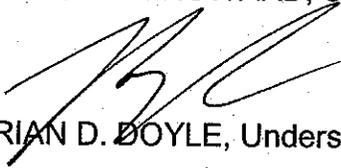
It is respectfully submitted that the Erie County Sheriff's Office is in substantial compliance with the Commission of Corrections Directive issued February 18, 2009. If we can provide anything further, please do not hesitate to contact me.

Thank you for your consideration.

Very truly yours,

TIMOTHY B. HOWARD, Sheriff

By:


BRIAN D. BOYLE, Undersheriff



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CHAIRMAN
Thomas A. Bellein
COMMISSIONERS
Daniel L. Stewart
Phyllis Harrison-Ross, M.D.

May 22, 2009

Sheriff Timothy Howard
Erie County Sheriff's Office
10 Delaware Avenue
Buffalo, New York 14202

RE: Commission Directive – Erie County Holding Center

Dear Sheriff Howard:

The Commission has completed its review of your March 20, 2009 response to the Commission's Directive issued February 18, 2009. Since receiving your response, Commission staff have completed visits to the Holding Center to assess corrective taken to address the requirements of the Directive. Specifically, two extended site visits were made to the Holding Center on March 24-27, 2009 and April 28-May 2, 2009. This correspondence will outline the Commission's findings and status for each element listed in the Directive. However, I would first like to address some collateral issues raised in the cover letter to your response and to discuss problems with Commission staff gaining access to the Holding Center.

Your letter insinuates that in some instances Commission staff toured the facility without accompaniment by representatives of the facility administration, and as a result, obtained inaccurate information from other facility staff. Please be advised that as a courtesy, Commission staff routinely inform members of the facility administration of the areas they plan to tour and assess. Given the number of tasks to be accomplished during these visits, Commission staff cannot plan such tasks based upon availability of administrative staff, nor is the Commission's access authority [CL§46(1)] in any way contingent upon the availability of your staff. Regarding your concern that non-administrative facility staff provide inaccurate information to Commission staff, please be advised that information provided by such staff has proven to be accurate and quite beneficial in the Commission's efforts to improve the operations of the Holding Center. Commission staff are fully aware of their responsibility to verify information as part of any evaluation process, regardless of the source of information.

You also intimated that Commission staff was uncooperative by concluding that there was "no grievance process," merely because the grievance files needed for review were locked away and inaccessible. During a visit to the Holding Center, Commission staff requested to review recently submitted inmate grievances. First Deputy Superintendent Leary advised Commission staff that the grievances were locked in a file cabinet, with only Captain Hartman

able to gain access, and that Captain Hartman was on vacation. Commission staff explained that the deficiencies surrounding the grievance program would have to remain open until such time as the grievances could be reviewed and a determination made as to compliance with Part 7032. The fact that the Holding Center does not operate a viable, regulation-compliant grievance program is abundantly evident, has been evident since long before the issuance of the Directive, and is unrelated to the facility administration's inability to access its own records. Indeed, this particular incident speaks more to the failure of the Erie County Sheriff's Office to ensure access to important documents in the absence of the primary assigned staff member responsible for maintaining them. Access to vital information by facility officials or others in authority should always be maintained.

Finally, in December 2006, the Commission petitioned the State Supreme Court for an Order enforcing the Commission's lawful access to the Erie County Holding Center. As I am sure you are aware, the Order, signed by the Honorable William E. McCarthy, J.S.C., is still in effect. During the Commission's April 28 – May 2, 2009 visit, Commission staff was denied immediate entry into the Holding Center. Commission staff was informed that the tour commander was under instructions not to permit Commission staff access to the facility until a member of the facility's administration arrived. Access to the facility was delayed for 30 minutes. There was also an incident during which Commission staff requested to visit the Alpha Constant Observation Unit. A sergeant agreed to escort Commission staff. A second sergeant informed Commission staff they were not able to proceed to the area until Superintendent Koch arrived to escort them. Pending Superintendent Koch's arrival, Commission staff was escorted to and remained in the administrative conference room. Upon his arrival to the conference room, Superintendent Koch informed Commission staff that there was a "miscommunication" leading to the delay. He then escorted Commission staff to the unit. Please take notice that any further order, either written or unwritten, that delays access to the facility by Commission staff for any reason will invite contempt proceedings against you and your administration. Your compliance in this matter is required.

Please submit a plan of action to correct the deficiencies which remain open as explained in the attached Directive compliance summary. Such plan shall be forwarded to the Commission on or before **June 10, 2009**. If you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,



Thomas A. Beilein
Chairman

cc: Cheryl Green, Erie County Attorney

NEW YORK STATE COMMISSION OF CORRECTION

Albany, New York



ASSESSMENT OF DIRECTIVE RESPONSE

FROM THE

**Erie County Sheriff's Office
Buffalo, New York**

May 2009

Thomas A. Beilein
Chairman

Daniel L. Stewart
Commissioner

Phyllis Harrison-Ross, M.D.
Commissioner

**ERIE COUNTY HOLDING CENTER
DIRECTIVE RESPONSE ASSESSMENT
May 22, 2009**

#1 - ORDERED AND DIRECTED (Maximum Facility Capacity)

Ordered and directed to assign inmates to proper housing in accordance with the limitations and conditions of the Maximum Facility Capacity for the Erie County Holding Center; to wit, inmates may not be detained in the facility's holding areas for periods longer than that designated in the Commission's Maximum Facility Capacity.

ECSO RESPONSE

Alpha Long and Alpha Short have been opened for pre-arraignment housing. The following documents are attached hereto as Exhibit "A": 1) Memorandum from Captain Hartman to all watch commanders and supervisors dated March 13, 2009; 2) memorandum from Chief Reardon to Captain Hartman dated March 13, 2009; 3) Jail Management Division Policy #01.00.90; and 4) Memorandum to Alpha (for posting) from Chief Reardon dated March 17, 2009.

SCOC RESPONSE ASSESSMENT AND STATUS

During multiple visits to the Holding Center, Commission staff observed an overall improvement in the timely transfer of un-arraigned prisoners from the holding tanks to either Alpha Long or Alpha Short housing units. Continued compliance with this requirement could prove difficult or impossible when the inmate population significantly increases during the summer months and Erie County continues with its refusal to board out inmates when necessary.

Commission staff noted that inmates from the Erie County Correctional Facility transferred to the Holding Center in preparation for court appearances, are detained in the holding tanks for periods exceeding four hours, a violation of the Commission's Maximum Facility Capacity document prepared in accordance with 9NYCRR, Part 7040, Maximum Facility Capacity. This deficiency remains **OPEN**.

#2 - ORDERED AND DIRECTED (Hot Showers)

Ordered and directed to make available daily to each inmate not confined in a special housing, a hot shower.

ECSO RESPONSE

All inmates remanded to the custody of the Sheriff are given the opportunity for showers in accordance with 9NYCRR, Chapter I and Chapter IV.

SCOC RESPONSE ASSESSMENT AND STATUS

Commission staff noted that the facility administration posted a written order which notifies staff that un-arraigned prisoners are not to receive showers. Further, facility policy 01.00.90 addressing the management of un-arraigned inmates states that the shower room will be off limits to un-arraigned inmates. The Erie County Sheriff's Office is applying 9NYCRR, Part 7500,

Minimum Standards and Regulations for Management of City Jails – Town and Village Lockups in the operation of housing areas in which un-arraigned inmates are detained, rather than Chapter I, 9NYCRR, Part 7000 Series, Minimum Standards and Regulations for Management of County Jails and Penitentiaries. Various facility policies and interoffice memoranda include specific requirements of Part 7500. This deficiency remains **OPEN**.

#3 - ORDERED AND DIRECTED (Personal Hygiene)

Ordered and directed to provide each inmate, upon admission to the facility and at facility expense, with an issue of personal health care items, including but not limited to soap, a toothbrush, toothpaste, a drinking cup, toilet paper and a bath towel.

ECSO RESPONSE

All inmates remanded to the custody of the Sheriff are given personal health care items, including but not limited to soap, toothbrush, toothpaste, drinking cup, toilet paper and a bath towel.

SCOC RESPONSE ASSESSMENT AND STATUS

During multiple visits to the Erie County Holding Center, Commission staff noted some improvement in providing un-arraigned prisoners with soap, a toothbrush and toothpaste, a drinking cup, and toilet paper. However, such items are not consistently being provided to un-arraigned prisoners. Also, Commission staff noted that un-arraigned prisoners are not provided with a towel.

The Erie County Sheriff's Office is applying 9NYCRR, Part 7500, Minimum Standards and Regulations for Management of City Jails – Town and Village Lockups in the operation of housing areas in which un-arraigned prisoners are detained, rather than Chapter I, 9NYCRR, Part 7000 Series, Minimum Standards and Regulations for Management of County Jails and Penitentiaries. This deficiency remains **OPEN**.

#4 - ORDERED AND DIRECTED (Feminine Hygiene)

Ordered and directed to provide each female inmate, at facility expense, with necessary feminine hygiene items, including but not limited to tampons and sanitary napkins.

ESCO RESPONSE

All inmates are given necessary feminine hygiene items, including but not limited to, tampons and sanitary napkins. The items are on-hand and ordered routinely. On each shift, a supervisor is inspecting constant observation areas of the jail and verifying that ample supplies are on hand. A copy of the supervisor checklist is attached hereto as "Exhibit B".

SCOC RESPONSE ASSESSMENT AND STATUS

During multiple visits to the Erie County Holding Center, Commission staff noted that feminine hygiene products are now being provided to female inmates. What is of serious concern, however, is the systematic breakdown in communication within the Erie County Sheriff's Office that led to the identification of this deficiency by Commission staff. At the time the deficiency

was noted, Commission staff informed the facility administration that tampons were not being provided to inmates and that a supply of tampons was not maintained at the Holding Center. The facility administration at first insisted that a supply was available within the building. The administration eventually acknowledged that no supply of tampons was maintained at the Holding Center, but that an ample supply was maintained at the Correctional Facility.

Further, the constant observation checklist developed by the Sheriff's Office does not list bras, religious articles, or rulebook as items to be issued. Also, the checklist merely lists "feminine hygiene items", and does not specify sanitary napkins or tampons.

It is imperative that necessary protocols be established and maintained to ensure that feminine hygiene products are provided to female inmates and that a sufficient supply of such products is maintained within the Holding Center proper. Since long-term compliance has yet to be established, this issue will remain **OPEN**.

#5 - ORDERED AND DIRECTED (Bedding)

Ordered and directed to provide each inmate, upon admission and at facility expense, with an issue of clean bedding in good condition.

ECSO RESPONSE

All inmates remanded to the custody of the Sheriff are issued clean bedding in good condition. Moreover, new mattresses were ordered some time ago; one hundred (100) new mattresses were delivered this past week and have been disseminated as appropriate. Within the past nine months, a total of two hundred (200) new mattresses have been delivered and disseminated.

SCOC RESPONSE ASSESSMENT AND STATUS

During multiple visits to the Erie County Holding Center, Commission staff noted that un-arraigned prisoners, while being provided a mattress in their cells, are not provided with bedding. Further, numerous mattresses throughout the facility are in extremely poor condition and need replacement.

The Erie County Sheriff's Office is applying 9NYCRR, Part 7500, Minimum Standards and Regulations for Management of City Jails – Town and Village Lockups in the operation of housing areas in which un-arraigned prisoners are detained, rather than Chapter I, 9NYCRR, Part 7000 Series, Minimum Standards and Regulations for Management of County Jails and Penitentiaries. This issue remains **OPEN**.

#6 - ORDERED AND DIRECTED (Initial Screening)

Ordered and directed to conduct an initial screening and risk assessment of each inmate upon admission, and upon completion promptly place such inmate in a housing unit designated for classification purposes.

ECSO RESPONSE

The Sheriff's Office has always conducted an initial screening and risk assessment in a timely fashion. We have designated areas on Alpha Long and Alpha Short to receive and house inmates after initial screening and prior to arraignment. If any of the un-arraigned inmates require special housing, such housing will be made available keeping in mind that arraigned and un-arraigned cannot be commingled. See Exhibit "A".

SCOC RESPONSE ASSESSMENT AND STATUS

Your assertion that the Sheriff's Office has always conducted an initial screening and risk assessment in a timely manner is incorrect. Until recently, the facility did not complete the risk assessment process for inmates placed on Constant Supervision.

Further, your assertion that arraigned and un-arraigned prisoners cannot be commingled is also incorrect. Correction Law 500-b and 9NYCRR, Part 7013, Classification prohibit the commingling of males and females, and minors and adults. Housing arraigned inmates and un-arraigned prisoners within a special housing unit is not prohibited.

During the most recent visit to the Erie County Holding Center, Commission staff noted that the facility now completes a risk assessment on all inmates admitted to the facility. However, upon completion of the risk assessment, inmates are assigned to the dormitories located in Gulf North, Foxtrot North, Foxtrot South, and Echo North housing areas. Several years ago, these areas were authorized via variance for housing inmate workers. These areas were subsequently converted to beds at standard and added to the facility's Maximum Facility Capacity with assurances from the Sheriff's Office that the areas would house only inmate workers. When only inmate workers were housed in these areas, the chief administrative officer was allowed pursuant to 9 NYCRR, Part 7003, to determine the type of supervision to be provided. Eventually, these areas were designated to serve as classification housing. These settings are inappropriate for classification housing in two important aspects.

First, these areas are not appropriate for housing inmates on whom the facility has yet to complete the processes required by 9 NYCRR, Section 7013.8. Such housing arrangements invite unacceptable safety risks to those inmates and staff. Individuals who have yet to complete the processes required by 9 NYCRR, Section 7013.8 shall be housed in an individual room or cell. Second, there is an existing Minimum Standard deficiency concerning the facility's inability to maintain *Active Supervision*, given the solid windows on the housing areas' doors. The housing of unclassified inmates in these areas requires the Holding Center to maintain *Active Supervision* at all times pursuant to 9 NYCRR, Part 7003. This deficiency, identified in 2007, has yet to be addressed by the Holding Center, although assurances that it would be addressed have been given to the Commission for quite some time. Accordingly, a recommendation will be submitted to the Commission for the removal of these housing areas from the Erie County Holding Center's Maximum Facility Capacity formulation in the near future. This issue remains OPEN.

#7 - ORDERED AND DIRECTED (INMATE RULE BOOK)

Ordered and directed to prepare and distribute to each prisoner upon admission, a written copy of the facility rules and information, which shall include instructions and procedures relative to inmate grievances.

ECSO RESPONSE

All inmates, upon remand to the Holding Center, receive and sign for an Inmate Handbook. Your agency's finding that inmates have not received these handbooks since October 2008 is untrue.

SCOC RESPONSE ASSESSMENT AND STATUS

Your response refutes the Commission's finding that inmate rulebooks were not distributed since October 2008. Be advised that the Commission's findings were based on Commission staffs' personal observations, review of documentation verifying the findings, and discussions with Erie County Sheriff's Office security staff. Additionally, inmates on Constant Supervision were not receiving the rulebook because they were not yet classified and rulebooks were being handed out during classification. In fact, the administration of the Erie County Holding Center acknowledged that the supply of inmate rulebooks had been depleted and more were on order.

During the most recent visit to the Erie County Holding Center, Commission staff noted that rulebooks were being provided to newly arraigned inmates and inmates on Constant Supervision. Un-arraigned inmates were not being issued a rulebook as required. Further, the facility may issue rulebooks at two different locations and times during the admissions process. At times, they are issued in the Intake area, while other times in the Classification Unit. This practice increases the chances of failing to provide a rulebook or issue duplicate rulebooks, thus depleting the supply at a faster rate. The documentation for rulebook issuance is not centralized.

The current facility practice regarding the issuance of inmate rule books requires the arraigned inmates to sign for the rulebook while being detained in the intake/holding area even though they do not receive the inmate rulebook until they leave the change over area.

However, inmates are not automatically provided with a rulebook when they are issued by the Classification Unit. Rather, classification staff ask inmates if they would like a rulebook. If an inmate declines a rule book, they are still required to sign their name acknowledging their receipt of a rulebook. The Erie County Sheriff's Office shall discontinue the practice of requiring inmates to sign a form acknowledging receipt of a rule book prior to receiving one. This issue remains **OPEN**.

#8 - ORDERED AND DIRECTED (Inmate Rule Book)

Ordered and directed to develop written rules of inmate conduct, which shall include all chargeable offenses, the range of punishments that may be imposed for each violation, and a detailed description and an explanation of the facility's disciplinary procedures.

ECSO RESPONSE

The written rules of inmate conduct have always been contained in the inmate handbooks. This information is contained on pages 14 through 23 of the handbook attached hereto as Exhibit "C". Also contained on these pages are all chargeable offenses, the range of punishments that may be imposed for each violation, and a detailed description and an explanation of the facility's disciplinary procedures.

It should be noted for the record that the Sheriff's Office has requested that the Commission provide technical assistance and training in inmate discipline procedures for Sheriff's Office employees. The Commission has not yet taken steps to provide the technical assistance.

SCOC RESPONSE ASSESSMENT AND STATUS

Concerning the issue regarding inmate notification of chargeable offenses, the range of punishments that may be imposed for each violation and a description and explanation of the facility's disciplinary procedures, the Holding Center was found in non compliance because the facility was not handing out rulebooks. During the last site visit Commission staff determined that rulebooks and addendum were being distributed to arraigned and constant supervision inmates, however un-arraigned inmates were not receiving the inmate rulebook or addendum. This issue will remain **OPEN**.

Concerning your assertion that the Commission has not taken steps to provide technical assistance in the area of inmate discipline please be advised that Commission staff informed then Undersheriff Doyle and Deputy Superintendent Leary that development of an inmate discipline program training course was underway at the Commission but that its completion time frame is unknown at this time. In lieu of the delivery of a formal training course, Commission staff offered to Mr. Doyle and Ms. Leary to arrange for multiple on-site information meetings during which time the various requirements of 9NYCRR, Part 7006, Discipline, would be discussed. Commission staff asked that the Sheriff's Office provide the Commission with potential dates for such meetings. As of this writing, no such dates have been proposed by the Sheriff's Office.

#9 – ORDERED AND DIRECTED (Inmate Rule Book)

Ordered and directed to provide a copy of the written rules of inmate conduct to each inmate upon admission to the facility.

ECSO RESPONSE

As previously noted, all inmates upon admission to the facility are provided with inmate handbooks which contain the required information.

SCOC RESPONSE ASSESSMENT AND STATUS

See SCOC response assessment in #7. This issue remains **OPEN**.

#10 – ORDERED AND DIRECTED (Administrative Segregation)

Ordered and directed to employ the administrative segregation of an inmate pending a disciplinary hearing only where necessary to preserve the safety, security, and good order of the facility.

ECSO RESPONSE

The Administrative Segregation Pending Detention policy, Jail Management Division policy 04.02.06 is attached hereto as Exhibit "D". It complies with the Directive. Administrative segregation pending a disciplinary hearing is employed only where necessary to preserve the safety, security, and good order of the facility in accordance with New York State Commission of Correction Regulations.

SCOC RESPONSE AND ASSESSMENT

During the most recent visit to the Erie County Holding Center, Commission staff noted that Captain Hartman was assigned to oversee the facility's inmate discipline program. After a review of numerous inmate files and other applicable documentation, Commission staff determined that administrative confinement of inmates pending a disciplinary hearing is being completed in accordance with the requirements of 9NYCRR, Part 7006, Inmate Discipline. The Erie County Sheriff's Office must establish sufficient staff coverage in the absence of Captain Hartman to ensure oversight of the inmate discipline program. In light of concerns as to whether long-term compliance can be sustained, this issue will remain **OPEN**.

#11 – ORDERED AND DIRECTED (Administrative Segregation)

Ordered and directed to provide any inmate so administratively segregated pending a disciplinary hearing, within 24 hours of such confinement, a written statement setting forth the reasons for such confinement, to which an inmate shall be provided an opportunity to respond orally or in writing to the chief administrative officer.

ECSO RESPONSE

Please see Jail Management Division policy 04.02.06 attached hereto as Exhibit "D". The policy requires the Sheriff's Office to provide any inmate administratively segregated pending a disciplinary hearing, within 24 hours of such confinement, a written statement setting forth the reasons for such confinement, to which the inmate shall be provided an opportunity to respond orally or in writing to the chief administrative officer. The form shall to be used for this purpose is attached hereto as Exhibit "E".

SCOC RESPONSE AND ASSESSMENT

During the most recent visit to the Erie County Holding Center, Commission staff noted that inmates are being provided with a written explanation as to the reasons for their confinement pending a disciplinary hearing, and are afforded the opportunity to respond orally or in writing to the chief administrative officer. Subject to continued compliance verification, this issue is **CLOSED**.

#12 – ORDERED AND DIRECTED (Administrative Segregation Review)

Ordered and directed to conduct a review of any such administrative segregation within 24 hours of confinement, by the chief administrative officer, to determine continued confinement is warranted.

ECSO RESPONSE

As per the Administrative Segregation Policy (Exhibit "D"), the chief administrative officer or designee reviews any administrative segregation within 24 hours and determine if it is warranted. The determination is noted on the form attached hereto as Exhibit "E".

SCOC RESPONSE AND ASSESSMENT

During the most recent visit to the Erie County Holding Center, Commission staff noted that reviews of administrative segregation confinement are being completed within 24 hours. Subject to continued compliance verification, this issue is **CLOSED**.

#13 – ORDERED AND DIRECTED (Disciplinary Hearing Appeals)

Ordered and directed to require all appeals of a disciplinary hearing officer's disposition and sanction be reviewed and decided within 5 business days after receipt, and each appealing inmate shall be notified in writing of such.

ECSO RESPONSE

All appeals of disciplinary hearing officer's decisions are reviewed and decided within five business days after receipt. A copy of Jail Management Division policy #04.02.01(d) is attached hereto as Exhibit "F". Each appealing inmate is notified in writing of the decision on his appeal on a Disciplinary Appeal Form (see Exhibit "F"). We have shifted staff assignments to expedite the appeals process. We have designated the Captain to oversee all disciplinary proceedings and have designated a Chief to oversee all grievances.

It should again be noted for the record that the Sheriff's Office has requested that the Commission provide technical assistance and training in inmate discipline procedures for Sheriff's Office employees. The Commission has not yet taken steps to provide the technical assistance.

SCOC RESPONSE ASSESSMENT AND STATUS

During the most recent visit to the Erie County Holding Center, Commission staff were unable to assess compliance on this issue, as there were no inmate appeals pending at that time. This issue will be assessed in the future. This issue remains **OPEN**.

#14 – ORDERED AND DIRECTED (Visitation)

Ordered and directed to provide each inmate of the Erie County Holding Center an opportunity for two hours of visitation each week, with each visit lasting at least 30 minutes.

ECSO RESPONSE

As the Commission is aware, this issue has been discussed frequently. The Sheriff's Office has advised the Commission that almost on a daily basis (less frequent on weekends) there is unused visit time, which, by logical extension, means we are providing ample opportunity for visits. The Commission's position has been there were not enough hours. After being advised of the Commission's opinion as to the necessary number of hours the Sheriff's Office should have available for visitation for the first time in the Directive of February 18, 2009, the Sheriff's Office developed and implemented Jail Management Division policy #10.06.00, attached hereto as Exhibit "G" which complies with the Directive and instruction from Commission staff. In addition, also attached is Exhibit "G" are the following documents: 1) Memorandum to Dayshift Watch Commander from First Deputy Superintendent Leary dated March 13, 2009 regarding visiting times; 2) Memorandum to Supervisors and Visiting Staff from Superintendent Donald Livingston dated March 3, 2009 regarding second form of identification; and 3) Memorandum to All Jail Management Division Staff from First Deputy Superintendent Leary dated March 9, 2009 regarding visitor identification.

SCOC RESPONSE ASSESSMENT AND STATUS

During multiple visits to the Erie County Holding Center, Commission staff observed the entire visitation process and reviewed numerous documents. The Commission notified the Erie County Sheriff's Office that the minimum number of required hours for contact visitation per week is 41. This number is based on the facility's inmate population and the number of available inmate visitation seats. The number of hours required also assumes an efficient visitation process and all visitors who are eligible for a visit receive a visit. Commission staff's observations found the facility visitation process was extremely flawed and inefficient. Additionally numerous visitors are denied a visit for reasons that violate the requirements of 9 NYCRR, Part 7008. Commission staff also observed numerous visits being terminated for reasons that also violate the requirements of Part 7008. Empty visitation seats, as referenced in your response, would not exist if the visitation process was streamlined to maximize efficiencies, all visitors were allowed to visit, and visits were not terminated in violation of 9 NYCRR, Part 7008. Even with an increase in efficiencies, the facility may again have to expand the visitation into the evening shift.

Start Times - Visits do not start at the times indicated on the posted schedule. For example, morning visitation is scheduled (posted) to commence at 7:00a.m. However, that does not occur, as the facility utilizes the visiting room for staff lineup and briefing at that time. The first visit often commences between 7:15am or 7:45am, or even later. Such late starts disrupt the remaining visitation sessions.

Waiting - Visitors are often required to wait for upwards of 45-60 minutes prior to being called into the visiting room. At times, visitors, after having successfully passed through the lobby entrance magnetometer, often wait upwards of 45-60 minutes, only to be told that the inmate they are visiting is either at court or incarcerated at the Erie County Correctional Facility in Alden.

Age Limitations – 9 NYCRR, Section 7008.5(d) states that a prospective visitor who is under 18 years of age may be restricted from visiting a prisoner if he is not accompanied by a parent or legal guardian, or the chief administrative officer may require a prospective visitor under 18 years of age not accompanied by a parent or legal guardian to provide written permission from a parent or legal guardian approving such visit. Commission staff observed several Sheriff's Office documents that conflicted with one another and the requirements of this part. The first document states that ".....the visitor who is under 18 years of age..." The second document states that ".....the visitor who is under 21 years of age..." The third document is actually a sign hanging in the entrance to the visiting lobby that states, in part, ".....the visitor who is under 16 years of age..." Commission staff noted justifiable confusion among Holding Center visitation staff regarding at the age a visitor needed a parent or guardian's permission to visit. The facility corrected the documentation to reflect "under the age of 18", however, the sign in the visiting area still stated "...under the age of 16..."

Clothing – 9 NYCRR, Section 7008.7(b) states that all prospective visitors may be searched solely to ensure that they possess no contraband. 9 NYCRR, Section 7008.8 states that consistent with the requirements of the Part, the visitation of a prisoner with a particular visitor may be denied, revoked or limited only when it is determined that such visitation would cause a threat to the safety, security or good order of the facility or the safety, security or health of the prisoners. When such denials, revocations, or limitations are implemented, a written explanation shall be provided to all affected by the decision.

The facility employs an arbitrary, subjective and inconsistent process in which visitors are routinely denied access to visits for wearing what is deemed by, in most cases, a lone visitation officer to be improper clothing. While present during the visitation process, Commission staff observed that of all the visitors denied a visit, with the exception of one, were turned away from visitation because of one officer's subjective opinion that the visitors' clothing was inappropriate. Commission staff witnessed visitors turned away for several of the following unjustified reasons: Orange with green pin striped polo shirt, sleeves too short, hooded sweatshirt, oversized pants, suit coat, dress above the knee, overalls, tank tops, long sleeves that cannot be rolled up to the elbow, or shirt too tight, to name several. Apart from causing confusion among staff, visitors and inmates, these denials of visitation violate Part 7008.

Commission staff observed several female visitors turned away because their blouses were considered "too tight." Conversely, overweight female visitors wearing tight shirts/blouses were allowed to visit without question. The denied visitors were advised by the deputy that they would not be allowed to visit wearing that particular shirt/blouse, and would be required to wear a t-shirt over the shirt/blouse in order to receive a visit. Several visitors left the Holding Center, purchased t-shirts at a nearby store, returned to the Holding Center wearing the T-shirts, and were allowed a visit. Some were overheard complaining that because the local store (a few blocks from the Holding Center) did not have their size T-shirt, they would have to

travel by car to a WalMart store several miles away. There is no valid justification for discouraging and otherwise impeding visitation in this manner.

Several other female visitors were given a "shirt warning" by the deputy assigned to the visiting room magnetometer. Numerous other visitors arrived at the Holding Center either wearing white T-shirts over their shirts/blouses or were in possession of white T-shirts in anticipation of a visit denial.

Several visitors were denied visits because of their footwear. Those not wearing sneakers or "soft shoes" (as described by visitation deputies) were informed that they could not visit wearing work boots or dress shoes (with or without high heels). Some individuals were offered shower sandals provided by the Holding Center and allowed to visit wearing the sandals. Others were not afforded the opportunity to wear the sandals and were denied a visit. This policy is not based on legitimate security concerns, as the footwear is scanned by the magnetometer and the visiting tables' under-table partitions are solid from top to bottom.

It should be noted that when one visitor requested to speak with a supervisor concerning the decision to deny a visit, the visitor was told that the visitation officer's decision was final. The final decision to deny a visitor a visit shall be made by the chief administrative officer since such documentation will have to be produced in accordance with the requirements of 9 NYCRR, Section 7008.8.

In accordance with the requirements of Part 7008, the facility has the authority to search a visitor solely to ensure that they possess no contraband. Clothing in itself does not represent a threat to the safety, security or good order of the facility until the clothing causes behaviors that constitute such a threat.

When a visitor is denied a contact visit the requirements of Part 7008.8 require that alternative arrangements for affording the prisoner the visit be made including but not limited to non-contact visits. Any determination to deny, revoke or limit a prisoner's visitation pursuant to this section shall be made by the chief administrative officer in writing and shall state the specific facts and reasons underlying such determination. A copy of the determination shall be given to any person affected by the determination. The Holding Center does not observe these requirements.

Commission staff observed visits being terminated in the visiting room for reasons including but not limited to:

1. Inmates speaking to other inmates (no warning given by deputies)
2. Inmates wearing what were viewed as gang signs on their shirt
3. A young child reaching over the visiting table
4. Inmate not wearing their issued wristband
5. Inmate wearing a blank wristband

While these terminations may indeed have been appropriate, neither affected inmates nor visitors were provided with a written explanation pursuant to 9 NYCRR, Section 7008.8.

Communication – The facility exhibited extremely poor communication when implementing recent changes to the visitation program. Visitors were not notified of the changes of visitation hours in advance. Further, visitation staff were not notified of the changes until that morning, just prior to commencement of the visitation program. Further, it appears the overall impact of recent changes (i.e., continued inmate movement during the lunch meal and change of shift lockdown) was not fully considered, as visitation hours conflict with mandatory facility operations (i.e., lockdown during meals and change of shift). Other examples of poor communication and inefficiencies include:

1. Visitation staff lost track of how many visitors were granted one hour visits. This resulted in delays in processing visitors, notifying housing staff, and escorting of inmate to visiting.
2. Two separate couples waited over two hours for a visit after being issued a visitation slip by the visiting desk deputy. When advised by the couples of their long wait, the deputy stated that he was on lunch break when they came into the visitation lobby and could not explain why they were not entered into the visitor waiting list.
3. Visitation staff lost track of the number of visitation slips issued. This created confusion over the length of visiting time (i.e., 30 or 60 minutes).
4. Visitation slips were incorrectly numbered, resulting in two visitors being issued the same visitation slip number.
5. Visitation staff lost track of the number of visitation slips issued, resulting in too many being issued, thus depleting the available locker space.
6. There was a breakdown between visiting staff, housing unit staff, and supervisors concerning the movement of inmates to and from visiting during a lockdown period. Based on communications between visiting staff, housing unit staff, and supervisors, it was evident that facility staff were not accustomed to escorting inmates to and from visiting (during lockdown or meal time) as was occurring the weekend day Commission staff were present to observe visiting.
7. There were obvious problems of visitation staff tracking the start times of individual visits, resulting in difficulty determining visiting end times.
8. A wheelchair-bound individual signed up for a visit. This was not communicated to staff assigned to the visiting room, as the handicap space in the room was already occupied. As a result, staff had to rearrange inmate and visitor seating.

9. During the May 2, 2009 site visit and observance of the visitation process, Commission staff found that the facility operated its visits through the lunch meal and change of shift count. Inmate movement for visiting occurred during shift lockdown. The practice of completing inmate counts while inmate movement continues to and from visiting, could be a potential violation of 9 NYCRR, Section 7003.5, Prisoner Population Counts.

Security - there were instances whereby generally accepted security precautions and practices were not observed. They included:

1. On multiple occasions, the deputy assigned to the visiting desk left the desk area, leaving his issued facility radio on the desk as well as visitors' driver's licenses unattended and accessible to the public. The computer used to track inmate housing assignments and other information was left on and accessible to the public.
2. Wheelchairs used by visitors were not scanned with a hand-held device or visually inspected upon entry into the lobby and visiting room.

#15 – ORDERED AND DIRECTED (Visitation Schedule)

Ordered and directed to establish and publish a schedule of visits to ensure that each inmate has the opportunity for at least two visits per week.

ECSO RESPONSE

The schedule has been established. (See Exhibit "G"). It is being published through the Inmate Handbook Addendum and new lobby signs have been ordered. The language of the signs is attached hereto as Exhibit "H".

SCOC RESPONSE ASSESSMENT AND STATUS

Commission staff will continue to monitor the issuance of inmate rulebooks as well as the signs in the Holding Center lobby. This issue remains **OPEN**.

#16 – ORDERED AND DIRECTED (Visitor Identification)

Ordered and directed to permit any person who presents adequate proof of identity, with the inmate's consent, to visit such inmate, subject to the limitations of 9NYCRR Part 7008.

ECSO RESPONSE

The new Inmate Visiting Policy complies with this directive. Please see Exhibits "G" and "H".

SCOC RESPONSE ASSESSMENT AND STATUS

During the most recent visits to the Erie County Holding Center, Commission staff noted that the Sheriff's Office has discontinued the practice of requiring visitors to present additional forms of identification (i.e., utility bill, etc.) beyond photo identification. However, Commission staff found that visitors were bringing the proof of address with them to the facility, because the recorded phone message regarding visitation at the Erie County Holding Center directs

visitors to bring proof of address with them to the visit. This issue remains **OPEN** until such time as the phone message is altered in conformance with compliant practice.

#17 – ORDERED AND DIRECTED (Visitor Identification)

Ordered and directed to refrain from denying inmate visitation to prospective visitors on the sole basis of the inability to produce documented evidence of a current address.

ECSO RESPONSE

The new Inmate Visiting Policy complies with this directive. Please see Exhibits "G" and "H".

SCOC RESPONSE ASSESSMENT AND STATUS

During the most recent visits to the Erie County Holding Center, Commission staff noted that the Sheriff's Office has discontinued the practice of requiring visitors to present additional forms of identification (i.e., utility bill, etc.) beyond photo identification. As mentioned previously, Commission staff found that visitors were bringing the proof of address with them to the facility, because the phone recording regarding visitation at the Erie County Holding Center directs visitors to bring proof of address with them to the visit. This issue remains **OPEN**.

#18 – ORDERED AND DIRECTED (Religion)

Ordered and directed to permit all inmates to congregate for the purpose of religious worship and other religious activities, subject to the limitations of 9 NYCRR, Part 7024.

ECSO RESPONSE

All inmates are permitted to congregate for the purpose of religious worship and other religious activities, subject to the limitations of 9 NYCRR Part 7024.

SCOC RESPONSE ASSESSMENT AND STATUS

Commission staff noted that the facility administration posted a general order which directs that inmates on Constant Observation are not allowed to attend religious activities. Further orders (deprivation orders) limiting or denying inmates access to religious worship and other religious activities lack supporting documentation and not all are approved in writing by the chief administrative officer pursuant to 9 NYCRR, 7024.11. This issue remains **OPEN**.

#19 – ORDERED AND DIRECTED (Religion)

Ordered and directed to permit all inmates to wear and possess religious medals or other religious articles, subject to the limitations of 9 NYCRR, Part 7024.

ECSO RESPONSE

All inmates are permitted to wear and possess religious medals or other religious articles, subject to the limitations of 9 NYCRR, Part 7024.

SCOC RESPONSE ASSESSMENT AND STATUS

Commission staff could not assess compliance with this issue, as no inmates under Constant Observation were wearing religious medals or articles. This issue remains **OPEN**.

#20 – ORDERED AND DIRECTED (Printed Material)

Ordered and directed to permit all inmates to receive any printed material or publication subject to the limitations of 9 NYCRR, Part 7026.

ECSO RESPONSE

All inmates are permitted to receive any printed material or publication subject to the limitations of 9 NYCRR, Part 7026.

SCOC RESPONSE ASSESSMENT AND STATUS

Commission staff verified that inmates on Constant Observation are now allowed to receive printed material and publications. This issue is **CLOSED**.

#21 – ORDERED AND DIRECTED (Exercise)

Ordered and directed to permit all inmates to engage in outdoor exercise consistent with and subject to the limitations of 9 NYCRR, Part 7028.

ECSO RESPONSE

All inmates are permitted to engage in outdoor exercise consistent with and subject to the limitations of 9 NYCRR, Part 7028.

SCOC RESPONSE ASSESSMENT AND STATUS

During the most recent visits to the Erie County Holding Center, Commission staff noted that not all female inmates housed in keeplock status are afforded the opportunity to participate in outdoor exercise. Due to insufficient hours allotted for keeplock exercise, the lack of individual exercise pens, and the need to keep separate most inmates in punitive segregation housing, the facility is unable to provide all keeplock inmates the opportunity to participate in outdoor exercise. Commission staff has suggested on numerous occasions that the Sheriff's Office consider erecting individual exercise pens in one or more of the rooftop exercise areas. This would enable the facility to provide sufficient time for keeplock exercise.

Further orders (deprivation orders) limiting or denying inmates the ability to engage in outdoor exercise lack supporting documentation and not all are approved in writing by the chief administrative officer pursuant to 9 NYCRR, 7028.6(b). This issue remains **OPEN**.

#22 – ORDERED AND DIRECTED (Legal Materials)

Ordered and directed to permit all inmates access to current legal reference materials consistent with and subject to the limitations of 9 NYCRR, Part 7031.

ECSO RESPONSE

All inmates are permitted access to current legal reference materials consistent with and subject to the limitations of 9 NYCRR, Part 7031.

SCOC RESPONSE ASSESSMENT AND STATUS

Inmates on Constant Supervision are not allowed by the facility to attend law library. Further orders (deprivation orders) limiting or denying inmates' access to legal reference materials lack supporting documentation and not all are approved in writing by the chief administrative officer. Such practices violate the requirements of 9 NYCRR, Part 7031. This issue remains **OPEN**.

#23 – ORDERED AND DIRECTED (Grievance Program)

Ordered and directed to establish, implement and maintain a formal inmate grievance program.

ECSO RESPONSE

A revised Inmate Grievance Program has been developed in consultation with Commission staff by First Deputy Superintendent Barbara Leary and Jeffrey Hartman who have received grievance training provided by the Commission. Attached hereto as Exhibit "I" are: 1) a copy of Jail Management Division policy #04.02.05, 2) New York State Commission of Correction Grievance Form part I and 3) New York State Commission of Correction Grievance Form Part II. The new policy and forms comply with this ORDERED AND DIRECTED and the following seven (7) ORDERED AND DIRECTED paragraphs. All newly admitted inmates are provided the Inmate Handbook which outlines the inmate grievance process. (See Exhibit "C").

In addition, we are examining the possibility of implementing an inmate telephone system to institute the equivalent of a 911 system where an inmate can anonymously request a grievance form (or medical visit). Our current telephone system provider is consulting with its technical staff. Further, there is a Request for Proposal for commissary services which includes a provision further consideration for companies that can provide an anonymous electronic system for requesting grievances (kiosks). It is expected that a Request for Proposal will also include a request for an electronic grievance system and request for medical visits through the telephone or kiosk. In the meantime, the paper system is being used as outlined in the Inmate Grievance Program policy (See Exhibit "I").

Finally, in response to our past requests, the Commission has scheduled the grievance training locally for April 9, 2009. We plan on having 20 students attend. This will improve the grievance process.

SCOC RESPONSE ASSESSMENT AND STATUS

During the most recent visits to the Erie County Holding Center, Commission staff noted that inmates continue to be told by the facility's administration that particular issues are not grievable, when in fact they are pursuant to 9 NYCRR, Part 7032. Inmates have forwarded correspondence to the Commission complaining about this very issue. The facility

administration acknowledged that they in fact informed inmates that those specific issues were not grievable.

Also, Commission staff found instances whereby housing unit staff failed to forward grievance forms (completed by inmates) to the facility's grievance coordinator for processing.

Further, the policy submitted in your response to the Directive is not the policy currently in use at the Holding Center. Please submit the current policy for review by Commission staff.

The Sheriff's Office should reconsider its proposal to purchase an electronic system which would allow inmates to anonymously request grievance forms and medical visits. It would appear that the taxpayers of Erie County would benefit more from the Sheriff's Office ensuring that facility staff are properly trained in and employ proper grievance procedures, and supervisors consistently enforce facility grievance program policies.

It is evident that the Erie County Sheriff's Office does not operate a formal grievance program in accordance with 9 NYCRR, Part 7032. Accordingly, this remains **OPEN**.

#24 – ORDERED AND DIRECTED (Grievance Program – Inmate Access)

Ordered and directed to provide any inmate incarcerated in the Erie County Holding Center access to the facility's grievance program.

ECSO RESPONSE

See previous response to Inmate Grievance Program and Exhibit "1".

SCOC RESPONSE ASSESSMENT AND STATUS

During the most recent visits to the Erie County Holding Center, Commission staff noted that the facility now makes grievance forms accessible to inmates by maintaining them on housing unit posts. Subject to continued compliance verification, this issue is **CLOSED**.

#25 – ORDERED AND DIRECTED (Grievance Program – Inmate Access)

Ordered and directed to include instructions for filing a grievance in the facility rules and information.

ECSO RESPONSE

See previous response to Inmate Grievance Program and Exhibit "1".

SCOC RESPONSE ASSESSMENT AND STATUS

During the most recent visits to the Erie County Holding Center, Commission staff noted that instructions for filing a grievance are included in the inmate rulebook. Subject to continued compliance verification, this issue is **CLOSED**.

#26 – ORDERED AND DIRECTED (Grievance Program – Inmate Notification)

Ordered and directed to advise each inmate at the Erie County Holding Center, in writing upon admission, as to the availability of grievance forms.

ECSO RESPONSE

See previous response to Inmate Grievance Program and Exhibit "I".

SCOC RESPONSE ASSESSMENT AND STATUS

See SCOC response outlined in #7. This issue remains **OPEN**.

#27 – ORDERED AND DIRECTED (Grievance Forms)

Ordered and directed to make formal grievance forms readily available so that an inmate may file a grievance.

ECSO RESPONSE

See previous response to Inmate Grievance Program and Exhibit "I".

SCOC RESPONSE ASSESSMENT AND STATUS

During the most recent visits to the Erie County Holding Center, Commission staff noted that the facility now makes grievance forms accessible to inmates by maintaining them on housing unit posts. Subject to continued compliance verification, this issue is **CLOSED**.

#28 – ORDERED AND DIRECTED (Grievance Forms)

Ordered and directed to ensure that, within five business days of the receipt of a grievance, the grievance coordinator issues a written determination, a copy of such provided to the inmate.

ECSO RESPONSE

See previous response to Inmate Grievance Program and Exhibit "I".

SCOC RESPONSE ASSESSMENT AND STATUS

Commission staff verified that the grievance coordinator was responding to grievant within five business days of receipt of the grievance. It is imperative that the Erie County Sheriff's Office assign additional staff to serve as grievance coordinator to ensure the grievance process is maintained when the primary grievance coordinator is not available. In light of concerns as to whether long-term compliance can be sustained, this issue will remain **OPEN**.

#29 – ORDERED AND DIRECTED (Grievance Appeals)

Ordered and directed to ensure that, within five business days of after receipt of a grievance appeal, the chief administrative officer issues a written determination on the appeal and provides a copy of such determination to the inmate.

ECSO RESPONSE

See previous response to Inmate Grievance Program and Exhibit "I".

SCOC RESPONSE ASSESSMENT AND STATUS

During a recent visit to the Erie County Holding Center, Commission staff noted that the grievance coordinator was on vacation and the facility administration failed to make adequate arrangements to process grievance appeals in his absence. Thus, timeframes as outlined in 9 NYCRR, Part 7032, were not observed. This issue remains **OPEN**.

#30 – ORDERED AND DIRECTED (Grievance Appeal to CPCRC)

Ordered and directed to ensure that, within three business days of after receipt of the inmate's notice appeal to the CPCRC, the grievance coordinator mails the appeal, the accompanying investigation report and all other pertinent documents to the CPCRC.

ECSO RESPONSE

See previous response to Inmate Grievance Program and Exhibit "I".

SCOC RESPONSE ASSESSMENT AND STATUS

No recent grievance appeals have been submitted to the Commission. Accordingly, compliance cannot be assessed at this time. This issue remains **OPEN**.

#31 – ORDERED AND DIRECTED (Maximum Facility Capacity)

Ordered and directed to ensure that the total number of inmates confined within the Erie County Holding Center does not exceed the maximum facility capacity of such facility.

ECSO RESPONSE

We continue to be in compliance with this Directive and Court Order.

SCOC RESPONSE ASSESSMENT AND STATUS

Commission staff verified that the facility is observing the requirements of 9 NYCRR, Part 7040, to the extent that the capacities of individual and multiple occupancy housing units are being observed. However, during the most recent visit to the Holding Center, **Commission staff noted that 41 cells and one multiple occupancy housing area (6 beds) were taken off line because they were determined to be inoperable.** Due to Erie County's failure to assign maintenance staff to the Holding Center, this will likely create problems with an anticipated increase in the inmate population in the coming months. This issue will remain **OPEN**. Commission staff will assess compliance in the future.

TIMOTHY B. HOWARD
SHERIFF

RICHARD T. DONOVAN
UNDERSHERIFF



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SHERIFF OF ERIE COUNTY

June 8, 2009

Chairman Thomas A. Beilein
NYS Commission of Correction
80 Wolf Road, Suite 402
Albany, New York 12205

RE: Commission Directive – Erie County Holding Center
Response to Commission Assessment of Directive Response

Dear Chairman A. Beilein,

We are writing to submit our documentation and response to the Commission's Directive Response Assessment dated May, 22, 2009. This correspondence will follow along the previously numbered issues:

#1 - ORDERED AND DIRECTED (Maximum Facility Capacity)

Ordered and directed to assign inmates to proper housing in accordance with the limitations and conditions of the Maximum Facility Capacity for the Erie County Holding Center; to wit, inmates may not be detained in the facility's holding areas for periods longer than that designated in the Commission's Maximum Facility Capacity.

ECISO RESPONSE:

The Commission has held this order and directive open on an assumption of future non-compliance, not on conditions observed during their inspection.

#2 - ORDERED AND DIRECTED (Hot Showers)

Ordered and directed to make available daily, to each inmate not confined in special housing, a hot shower.

ECISO RESPONSE:

All inmates including pre-arraigned inmates are offered showers. Without prejudice to the ability to challenge the validity of the Commission's position, Policy 01.00.90 has been modified and staff has been instructed to meet Commission staff's assertion that inmates that would normally fall into a lock-up category will be treated under the standards for County Jails and Penitentiaries.

#3 - ORDERED AND DIRECTED (Personal Hygiene)

Ordered and directed to provide each inmate, upon admission to the facility and at facility expense, with an issue of personal health care items, including but not limited to soap, a toothbrush, toothpaste, a drinking cup, toilet paper and a bath towel.

ECISO RESPONSE:

Without prejudice to the ability to challenge the validity of the Commission's position, all inmates, including unarraigned are issued soap, toothbrush, toothpaste, drinking cup, towel and toilet paper to meet Commission staff's assertion that inmates that would normally fall into a lock-up category will be treated under the standards for County Jails and Penitentiaries.

#4 - ORDERED AND DIRECTED (Feminine Hygiene)

Ordered and directed to provide each female inmate, at facility expense, with necessary feminine hygiene items, including but not limited to tampons and sanitary napkins.

ECISO RESPONSE:

The Holding center has always provided sanitary napkins, and since February 2009, tampons. Protocols are in place to ensure that feminine hygiene products including tampons remain in stock and continue to be available to female inmates. We currently have seven cases of sanitary pads and seven cases of tampons at the Holding Center with an average daily population of 40 females housed at the Holding Center.

Constant observation check lists do not list items which require a deprivation order such as bras or religious articles. The order is individualized for each inmate as all inmates on Constant Observation are entitled to all the rights and privileges of other inmates unless specified on our constant observation administrative segregation order. The order is reviewed, signed by the Deputy Superintendent and filed in her office. Rule books are issued in booking and feminine hygiene items include both tampons and pads.

The Commission staff has kept this matter open based on an assumption of future non-compliance, not on conditions observed during their most recent inspection.

#5 - ORDERED AND DIRECTED (Bedding)

Ordered and directed to provide each inmate, upon admission and at facility expense, with an issue of clean bedding in good condition.

ECISO RESPONSE:

Without prejudice to the ability to challenge the validity of the Commission's position, every inmate upon admission is given an issue of bedding at facility expense including pre-arraigned inmates to meet Commission staff's assertion that inmates that would normally fall into a lock-up category will be treated under

the standards for County Jails and Penitentiaries. In addition, in the past several months, we have purchased and distributed 200 new mattresses. Moreover, 100 additional mattresses have been ordered.

#6 - ORDERED AND DIRECTED (Initial Screening)

Ordered and directed to conduct an initial screening and risk assessment of each inmate upon admission, and upon completion promptly place such inmate in a housing unit designated for classification purposes.

ECISO RESPONSE:

Each inmate is asked a series of questions when booked into the facility. While we considered this a screening / risk assessment for suicidal ideations and any medical conditions which may need immediate and further assessment, the Commission is clearly referring to inmate classification. We are now classifying all inmates on Constant Observation despite their mental health status. If needed, an additional classification review will be completed for those held in Constant Observation. At a recently held Supervisory Staff meeting all supervisors were advised that unclassified inmates are never to be housed in a dayroom setting. A directive from Captain Jeffrey Hartman has been issued to reinforce this order.

We have received quotes for the cost of removal of the glass from the dayroom doors and replacing them with a wire mesh security type screening. A work order has been submitted to the Erie County Department of Public Works.

#7 - ORDERED AND DIRECTED (INMATE RULE BOOK)

Ordered and directed to prepare and distribute to each prisoner, upon admission, a written copy of the facility rules and information, which shall include instructions and procedures relative to inmate grievances.

ECISO RESPONSE:

All inmates are receiving the inmate handbook in intake, at the booking desk, during the admission process. This includes both arraigned and unarraigned inmates. All inmates sign for their handbook. This practice has resulted in fewer inmates having the book in their possession once they are assigned permanent housing. It is apparent that most pre arraigned inmates are discarding their handbook when they leave for arraignment and once returned to the holding center they do not have a handbook despite our instructions to keep the book.

#8 - ORDERED AND DIRECTED (Inmate Rule Book)

Ordered and directed to develop written rules of inmate conduct, which shall include all chargeable offenses, the range of punishments that may be imposed for each violation, and a detailed description and an explanation of the facility's disciplinary procedures.

ECISO RESPONSE:

All inmates, including unarraigned, are receiving the inmate rulebook at booking.

Concerning the Commission's position that they offered multiple on site information/technical assistance meetings, we respectfully request information as to who from the Commission offered multiple on site information meetings to both Mr. Doyle and Ms. Leary and when that offer occurred (specific date). Please indicate how the trainings were to be arranged as neither Mr. Doyle nor Ms. Leary recall any formal offer being made by Commission staff. Erin Purdy did tell Ms. Leary over the telephone shortly after Chairman Beilein's visit to Erie in early January that she did not believe Erie would be afforded grievance training since "Erie has failed to send staff when the training has been offered in the past" and that there was no available formal training program for discipline. Since the February directive, Commission staff have been at the Holding Center on two extended visits and on both visits advised the administrative staff that they were under a gag order, and could not offer any technical assistance for jail operations.

#9 - ORDERED AND DIRECTED (Inmate Rule Book)

Ordered and directed to provide a copy of the written rules of inmate conduct to each inmate upon admission to the facility.

ECISO RESPONSE:

See response to #8

#10 - ORDERED AND DIRECTED (Administrative Segregation)

Ordered and directed to employ the administrative segregation of an inmate pending a disciplinary hearing only where necessary to preserve the safety, security, and good order of the facility.

ECISO RESPONSE:

As the Commission staff noted, a review of administrative confinements of inmates pending a disciplinary hearing is being completed in accordance with requirements of 9NYCRR, Part 7006. Further the assignment of conducting disciplinary hearings has been reassigned to two Lieutenants to provide sufficient coverage in one another's absence. Captain Hartman is assigned to oversee the appeal process. Again the Commission left this item open based on an assumption of future non-compliance.

#11 - ORDERED AND DIRECTED

Ordered and directed to provide any inmate so administratively segregated pending a disciplinary hearing, within 24 hours of such confinement, a written statement setting forth the reasons for such confinement, to which the inmate shall be provided an opportunity to respond orally or in writing to the chief administrative officer.

ECISO RESPONSE:

#11 Closed

#12 - ORDERED AND DIRECTED (Administrative Segregation Review)

Ordered and directed to conduct a review of any such administrative segregation within 24 hours of confinement, by the chief administrative officer, to determine if continued confinement is warranted.

ECSO RESPONSE:

#12 Closed

#13 - ORDERED AND DIRECTED (Disciplinary Hearing Appeals)

Ordered and directed to require all appeals of a disciplinary hearing officer's disposition and sanction be reviewed and decided within five business days after receipt, and each appealing inmate shall be notified in writing of such.

ECSO RESPONSE:

Commission staff advised that they will assess at a future date as no appeals were pending during their visit.

#14 - ORDERED AND DIRECTED (Visitation)

Ordered and directed to provide each inmate of the Erie County Holding Center an opportunity for two hours of visitation each week, with each visit lasting at least 30 minutes.

ECSO RESPONSE:

Staff schedules have been adjusted to allow inmates to be escorted to the visiting room prior to 7:00 a.m. to ensure that visits start at 7:00 a.m. promptly. Line up is no longer held in visits. It would seem as though the need for a mandated amount of hours for visiting time does not coincide with the actual demand. As Commission Staff noted on their last surprise inspection, the front lobby and visiting room were for the most part empty with only sporadic business between 9:00 a.m. and 12:00 noon. As Commission staff had cameras with them to document the visiting process, they were asked to take a picture of the empty lobby to document the lack of demand for visiting time. Because Commission staff did not take the photos, our staff has begun taking pictures to document the actual demand for visiting time; the allotted time is more than sufficient to meet inmate demand. Signage in the front lobby and visiting room has been replaced and is accurate. Orders have been issued that the Sergeant assigned to the visiting detail is the only person who can deny or terminate a visit to ensure consistency in following our policy and the issuance of a written explanation.

#15 - ORDERED AND DIRECTED (Visitation Schedule)

Ordered and directed to establish and publish a schedule of visits to ensure that each inmate has the opportunity for at least two visits per week.

ECSO RESPONSE:

Commission staff has indicated that they will continue to monitor the issuance of inmate handbooks and signage in the holding center lobby.

#16 - ORDERED AND DIRECTED (Visitor Identification)

Ordered and directed to permit any person who presents adequate proof of identity, with the inmate's consent, to visit such inmate, subject to the limitations of 9NYCRR Part 7008.

ECISO RESPONSE:

The phone message response has been changed, no longer reflecting that proof of address is necessary.

#17 - ORDERED AND DIRECTED (Visitor Identification)

Ordered and directed to refrain from denying inmate visitation to prospective visitors on the sole basis of the inability to produce documented evidence of a current address.

ECISO RESPONSE:

See #16

#18 - ORDERED AND DIRECTED (Religion)

Ordered and directed to permit all inmates to congregate for the purpose of religious worship and other religious activities, subject to the limitations of 9NYCRR Part 7024.

ECISO RESPONSE:

All inmates, including those on constant observation are offered attendance at religious services with the exception of those where it is indicated on their administrative segregation orders. The deprivation orders for constant observation are reviewed, signed and filed in the Deputy Superintendent's office as inmates are often placed on Constant Observation after the Deputy Superintendent has left for the day or on weekends. The Watch Commander then becomes the designee in the absence of the Deputy Superintendent. If an extended absence by the Deputy Superintendent occurs due to a vacation or illness, arrangements are in place to ensure this practice continues.

#19 - ORDERED AND DIRECTED (Religion)

Ordered and directed to permit all inmates to wear and possess religious medals or other religious articles, subject to limitations of 9 NYCRR Part 7024.

ECISO RESPONSE:

All inmates, including those on constant observation, are permitted to wear and possess religious articles, subject to the limitations of 9 NYCRR, Part 7024. No inmate has requested to wear religious medals or articles. Should a request be made, a review to ensure the safety and security of the inmate will be made.

#20 - ORDERED AND DIRECTED (Printed Material)

Ordered and directed to permit all inmates to receive any printed material or publication subject to the limitations of 9 NYCRR Part 7026.

ECISO RESPONSE:

Closed

#21 - ORDERED AND DIRECTED (Exercise)

Ordered and directed to permit all inmates to engage in outdoor exercise consistent with and subject to the limitations of 9 NYCRR Part 7028.

ECISO RESPONSE:

The issue of female keep lock recreation was discussed in detail at a recent supervisory staff meeting. All supervisors are aware that all inmates, including those on keep lock, male and female are permitted to engage in outdoor exercise subject to the limitations of 9 NYCRR, Part 7028. A log has been created for females on keep lock to record recreation times.

Further price quotes have been obtained for the construction of individual exercise pens on one of our rooftop exercise areas. Additionally we would like to explore replacing windows in the gymnasium to allow fresh air as other jails have been allowed to utilize the indoor gym if fresh air is available. We are working to identify funding for these projects.

#22 - ORDERED AND DIRECTED (Legal Materials)

Ordered and directed to permit all inmates access to current legal reference materials consistent with and subject to the limitations of 9 NYCRR Part 7031.

ECISO RESPONSE:

All inmates, including those on constant observation, are permitted access to current legal reference material consistent with and subject to the limitations of 9 NYCRR, Part 7031. At a recent supervisory staff meeting the issue was discussed in detail. Signed orders are filed in the Deputy Superintendent's office.

#23 - ORDERED AND DIRECTED (Grievance Program)

Ordered and directed to establish, implement and maintain a formal inmate grievance program.

ECISO RESPONSE:

A majority of our supervisory, and all of the administrative staff at the holding center recently attended a Commission sponsored grievance training session in Erie County. The Sheriff's Office is going to extreme lengths to purchase an electronic system as it seems the only way we can prove to the Commission that we operate a formal grievance program is to have a computer generated record to prove that grievances are issued and responded to in accordance with 9 NYCRR, Part 32. We maintain that our grievance program has improved significantly and will continually improve. During a site visit, we attempted to give

our grievance policy to Commission staff however our staff was told that the Commission staff could not accept it and we should mail it directly to the Commission.

#24 - ORDERED AND DIRECTED (Grievance Program – Inmate Access)

Ordered and directed to provide any inmate incarcerated in the Erie County Holding Center access to the facility's grievance program.

ECSO RESPONSE:

Closed

#25 - ORDERED AND DIRECTED (Grievance Program – Inmate Access)

Ordered and directed to include instructions for filing a grievance in the facility rules and information.

ECSO RESPONSE:

Closed

#26 - ORDERED AND DIRECTED (Grievance Program – Inmate Notification)

Ordered and directed to advise each inmate at the Erie County Holding Center, in writing upon admission, as to the availability of grievance forms.

ECSO RESPONSE:

This is explained in the inmate handbook which is distributed upon admission to the Holding Center

#27 - ORDERED AND DIRECTED (Grievance Forms)

Ordered and directed to make formal grievance forms readily available so that an inmate may file a grievance.

ECSO RESPONSE:

Closed

#28 - ORDERED AND DIRECTED (Grievance Forms)

Ordered and directed to ensure that, within five business days of the receipt of a grievance, the grievance coordinator issues a written determination, a copy of such provided to the inmate.

ECSO RESPONSE:

We have assigned additional grievance coordinators fill in and assist Chief Reardon in the grievance process. Captain Hartman is available as well as several Sergeants that attended the training on April 9, 2009.

#29 - ORDERED AND DIRECTED (Grievance Appeals)

Ordered and directed to ensure that, within five business days after receipt of a grievance appeal, the chief administrative officer issues a determination on the appeal and provides a copy of such determination to the inmate.

ECSO RESPONSE:

If an appeal is received, the appeal is reviewed immediately, usually the day received by the Chief Administrative Officer.

#30 - ORDERED AND DIRECTED (Grievance Appeal to CPCRC)

Ordered and directed to ensure that, within three business days after receipt of the inmate's notice of appeal to the CPCRC, the grievance coordinator mails the appeal, the accompanying investigation report and all other pertinent documents to the CPCRC.

ECSO RESPONSE:

We have sent grievance appeals to the CPCRC as we have received responses to the appeals. We are continuing to work to improve the grievance process and believe remarkable progress in this area should be noted and we are committed to this effort.

#31 - ORDERED AND DIRECTED (Maximum Facility Capacity)

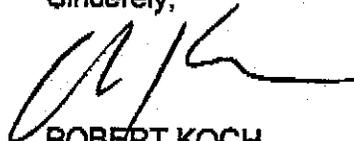
Ordered and directed to ensure that the total number of inmates confined within the Erie County Holding Center does not exceed the maximum facility capacity of such facility.

ECSO RESPONSE:

As the Commission is aware, we have continually requested help in maintaining the building. We have reduced the number of out of order cell space to the low teens and have assigned a supervisor to inspect cells on a daily basis. Bids are in the process for the repair of 31 linear showers, and we are developing a painting schedule for cells.

If you are in need of further information please feel free to contact me.

Sincerely,



ROBERT KOCH
SUPERINTENDENT

RK/ali

cc: Sheriff Timothy B. Howard
Erie County Attorney Cheryl Green

**NEW YORK STATE
COMMISSION OF CORRECTION**



November 2006

MAXIMUM FACILITY CAPACITY

for

Erie County Holding Center

in

Buffalo, New York

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.
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
Bravo Seg.	8	47.00	2	8
Bravo Long	28	47.00	2	28
Bravo Short	22	37.00	2	22
Charlie Seg.	8	47.00	2	8
Charlie Long	28	47.00	2	28
Charlie Short	22	37.00	2	22
Echo Long ¹	28	47.00	2	28
Echo South	36	71.00	4	36
Foxtrot North	28	71.00	2	28
Foxtrot East	20	71.00	2	20
Foxtrot South	36	71.00	4	36
Gulf East	20	71.00	2	20
Gulf North	28	71.00	2	28
Gulf South ²	4	71.00	2	4

Individual Housing Unit Total: 316

¹When necessary, Echo Long may be designated as an administrative / punitive segregation housing area. When designated as such, general housing inmates shall not be housed in this housing area.

²When necessary, Gulf South may be designated as an administrative / punitive segregation housing area. When designated as such, general housing inmates shall not be housed in this housing area.

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	Proposed Inmate Capacity
Alpha Seg.	Admin. Seg.*	8	47.00	2	8
Alpha Long	Admin. Seg.*	28	47.00	2	28
Alpha Short	Admin. Seg.*	22	37.00	2	22
Bravo Iso.	Admin./Pun. Seg.	1	44.00	1	0
Charlie Iso.	Admin./Pun. Seg.	1	44.00	1	0
Delta Seg.	Admin. Seg.	8	37.00	2	8
Delta Long	Forensic	27	47.00	3	27
Delta Short	Forensic	22	37.00	2	22
Delta North	Forensic	13	85.00	1	13
Delta East	Forensic	10	85.00	1	10
Delta Female	Medical	5	97.00	1	5
Delta Male	Medical	4	72.00	1	4
Delta Observ. 59	Medical/Forensic	1	90.00	1	1
Delta Observ. 73	Medical/Forensic	1	77.00	1	1
Echo Short	Admin./Pun. Seg. ⁴	22	37.00	2	22
Echo North/East	Admin. Seg.*	48	71.00	4	48

Individual Special Housing Unit Total: 219

* Administrative segregation designation includes pre-arraigned detainee housing and / or classification housing.

⁴When necessary, Echo Short may be designated as a general housing area. When designated as such, inmates subject to administrative / punitive segregation shall not be housed in this housing area.

II. C. NON-STANDARD HOUSING UNITS USED FOR SPECIAL HOUSING

Name of Housing Area/Section	Number of Toilets	Number of Sinks	Total Size of Unit (Sq. Ft. of Floor Space)	Holding Capacity	Description of use (limit as to use, time frame, etc.)
HOLDING AREAS					
Court Hold #1	1	1	281.00	18	These cells and pens may be used for short term individual and multiple occupancy holding of inmates providing supervision is maintained pursuant to Part 7003 of 9NYCRR. The facility shall limit individual occupancy holding to 12 hours. Multiple occupancy holding shall be limited to four (4) hours.
Court Hold #2	1	1	135.00	9	
Court Hold #3	1	1	194.00	12	
Court Hold #4	1	1	266.00	17	
Court Hold #5	1	1	217.00	14	
Court Hold #6	1	1	110.00	7	
Court Hold #7	1	1	383.00	25	
Isolation #1	1	1	77.00	5	
Isolation #2	1	1	77.00	5	
Isolation #3	1	1	77.00	5	
Isolation #4	1	1	77.00	5	
Isolation #5	1	1	62.00	4	
M-Intake Pen	1	1	304.50	20	
F-Holding Pen	1	1	103.00	6	
M-Holding Pen	1	1	437.00	30	

This housing may be used only for the type of housing and 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.

MAXIMUM FACILITY CAPACITY
ERIE COUNTY HOLDING CENTER

DATE: November 8, 2006

Subtotal Individual Housing Units Used for General Housing:	<u>316</u>
Subtotal Individual Housing Units Used for Special Housing:	<u>219</u>
Subtotal Multiple Housing Units Used for General Housing:	<u>60</u>
Subtotal Multiple Housing Units Used for Special Housing:	<u>16</u>

MAXIMUM FACILITY CAPACITY = 611

Other identified detention areas not included on M.F.C 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 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 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.

X 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:

Due to violations associated with housing inmates in Bravo and Charlie isolation cells absent administrative orders or medical / MH approval, these cells remain removed pending development and implementation of Commission approved policy.

The roof leak above the Delta Female three cell housing area day space appears to have been repaired.

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

Submitted by:

Deanne C. Milroy (FST)
(Preparer's Signature and Title)

11/8/06
(Date)

Approved by:

Robert J. Mann FPII
(Signature and Title)

11/9/06
(Date)

P-163
ORI # 1501

NFTA POLICE DEPARTMENT ARREST DATA FORM

PROPERTY: YES
MONEY \$ 0
NO 7/1/09

DATE: 6/7/09 INCIDENT NUMBER 09-158-0052 RIC# _____ AFN 09-06806-15

DEFENDANT'S NAME Degratt Guerhard J
(LAST) (FIRST) (M)

DATE OF BIRTH _____ AGE _____

ARRESTING OFFICER J. Kelle ASSISTING OFFICER _____

ASSIGNMENT 111 ARREST DATE 6/7/09 ARREST TIME 0031hrs

ADDRESS OF ARREST 1391 Main St.

INCIDENT DATE 6/7/09 INCIDENT LOCATION 1391 Main St

CHARGES PL 240.20(2)(3) PL 205.30

NARRATIVE Off. responded to a call of a drunk ind on a bus. Off. arrived and was informed that he was now inside Utica Station. Off. began to question the ind. who became belligerent + began swearing at off. And then he was forcibly subdued in handcuffs.

DEFENDANT'S STREET NAME/ALIASES _____

DEFENDANT'S ADDRESS _____

CITY Buffalo STATE NY ZIP CODE 14212 US CITIZEN YES NO

SOCIAL SECURITY NUMBER _____ MARTIAL STATUS _____ OCCUPATION _____

DEFENDANT'S SEX M HEIGHT 5'7" WEIGHT 165 BUILD Small EYE COLOR Brown

HAIR COLOR Black SKIN TONE Med RACE Black ETHNICITY Non-hispanic

SCARS, MARKS, TATTOOS _____

WARRANTS YES NO (IF YES ATTACH COPY) DEPUTY INITIALS JK SATISFACTORY ID YES NO

COMPLAINANT'S NAME SONY RELATIONSHIP _____

COMPLAINANT'S ADDRESS _____

CITY _____ STATE _____ ZIP CODE _____ PHONE NUMBER _____

HAS A CHEMICAL AGENT BEEN USED UPON PRISONER? Yes No

IF YES, NAME OF THE OFFICER ADMINISTERING THE CHEMICAL AGENT _____

VEHICLE TO IMPOUNDED? Yes No PLATE # _____ LOCATION _____

TO BE ASKED BY THE PROCESSING DEPUTY (TO BE ASKED IN PRESENCE OF ARRESTING OFFICERS)

- Are you injured?
If yes, describe injury, any bandages, stitches, etc _____
If yes, when were you injured? (date and time) _____
- Have you received medical attention since your arrest?
(if yes, Arresting Officers are responsible for completing P-1261)

SUBMITTED TO RIC

PROCESSING DEPUTY _____ BADGE # _____

MISSIONS INFORMATION:

Delivering Officer:

S. Kael

Rank & Branch:

PO

#117

Law Enforcement Agency:

TAPD

90 JUN 7 11:06

ERIE COUNTY
HOLDING FIRM

10
11
12
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14
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16
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19
20

7/1/09

H/C 7

Dep Perkins 1158

Sunday June 7, 2009
Sgt Kuppel

H/C = B

1500-2300 Alpha Long
(cont) Lt. Diina

- 1815 GST@1158
- 1830 GST@1158
- 1845 GST@1158
- 1900 GST@1158
- 1915 GST@1158
- 1930 GST@1158

#7 Clinton

- 1931 #3 Wicks #4 Wehlein escorted to medical @1158
- 1937 #Wicks #4 Wehlein escorted back from medical @1158
- 1945 GST@1158

2000 GST@1158
2001 ~~Sgt Kuppel~~ ~~on duty~~ ~~at scene~~

- 2015 GST@1158
- 2030 GST@1158
- 2045 GST@1158
- 2100 GST@1158
- 2115 GST@1158
- 2130 GST@1158

re 7, 2009
Dep. Perkins 1158
radio ill, Fire Safety
appears secure

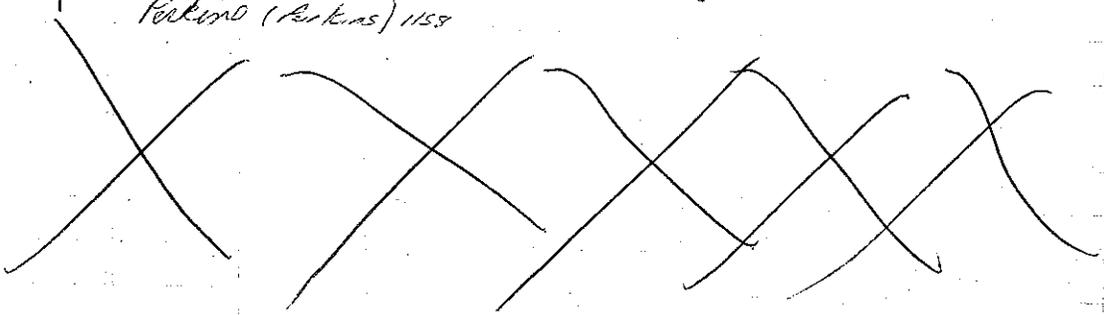
- 2131 N/E Williams Dominic 87470 to A-L #1
- N/E Kearney James 119171 to A-L #8 (Diabetic)
- N/E Jenkins Tim 119169 to A-L #9
- N/E Kadd Angelo 94082 to A-L #10
- N/E Green Gary 62069 to A-L #11
- N/E Degraff 99452 to A-L #12 First Name (Guerhard)
- N/E Casado Juan 4687 to A-L #13
- N/E Steele Merle 5417 to A-L #14 (For Ref)

H/C 15 @ 1158

#15 unassigned

- 2145 GST@1158
- 2200 GST@1158
- 2215 GST@1158
- 2230 GST@1158
- 2245 GST@1158

2255 End of tour, All appears secure, Equip to relief.
Perkins (Perkins) 1158



BUFFALO POLICE DEPARTMENT ARREST DATA FORM

DISTRICT OF ARREST: A
PROPERTY: YES NO
MONEY \$ 1000

DATE 6/17/09 INCIDENT NUMBER 091680083 RICI# _____ AFN 09-07323-8

DEFENDANT'S NAME SIMMONS (LAST) JAMES (FIRST) S (M)

DATE OF BIRTH _____ AGE 47

ARRESTING OFFICER Marcus L. Fears ASSISTING OFFICER Pam Loneragan/M. Moore

DIST. A ASSIGNMENT A520 ARREST DATE 6/17/09 ARREST TIME 0225

ADDRESS OF ARREST Reading / South Park

CHARGES PL 240.20-5 PL ~~240.20-5~~ 240.26-1

NARRATIVE On above date and time The defendant did consume beer in public on the corner of Reading and South Park. Owner of NOCO gas station did call police due to suspect loitering and harassing customers. Defendant was very

DEFENDANT'S STREET NAME/ALIASES Belgerant and uncooperative and did swear out loud on street corner at officers.

DEFENDANT'S ADDRESS _____

CITY Lackawanna STATE N.Y ZIP CODE 14218 US CITIZEN YES NO

SOCIAL SECURITY NUMBER _____ MARITAL STATUS _____ OCCUPATION _____

DEFENDANT'S SEX M HEIGHT _____ WEIGHT _____ BUILD Med EYE COLOR _____

HAIR COLOR Blk SKIN TONE Dark RACE Black ETHNICITY AFRICAN AMERICAN

SCARS, MARKS, TATTOOS _____

WARRANTS YES NO (IF YES, ATTACH COPY) DEPUTY INITIALS _____ SATISFACTORY ID YES NO

COMPLAINANT'S NAME SONY RELATIONSHIP _____

COMPLAINANT'S ADDRESS _____

CITY Buffalo STATE N.Y ZIP CODE 14220 PHONE NUMBER _____

HAS A CHEMICAL AGENT BEEN USED UPON PRISONER? YES NO

IF YES, NAME OF THE OFFICER ADMINISTERING THE CHEMICAL AGENT _____

VEHICLE TO BE IMPOUNDED? YES NO PLATE # _____ LOCATION _____

TO BE ASKED BY THE PROCESSING DEPUTY (TO BE ASKED IN PRESENCE OF ARRESTING OFFICERS)

1. Are you injured? YES NO
If yes, describe injury, any bandages, stitches etc. _____

If yes, when were you injured? (date and time) _____

2. Have you received medical attention since your arrest? YES NO
(If yes, Arresting Officers are responsible for completing P-1261)

PROCESSING DEPUTY _____ BADGE # _____

10:45 Am 7/1/09 Manjanna Gumber (ARRESTING OFFICER IS RESPONSIBLE FOR: P-31, P-77C, AND DCPS-L-1)
Pg 2 55AN04 209600K

ADMISSIONS INFORMATION:

Delivering Officer:

Marcus L. Fears

Rank & Badge Number:

Police officer 2105

Enforcement Agency:

Buffalo Police Dept.

09 JUN 17 AM 3:23

ERIE COUNTY
HOLDING CENTER

[Faint, illegible handwritten notes]

1500-2300 Alpha Long
(cont) Lt. Isch

Wednesday June 17, 2009

Sgt. Kuppel

Dep. Perkins 1158

1730 ~~1730~~ 13851744 #4 Morath Brian A/P G-I CT H/C 1 @1158

1745 GST Dep. Perkins 10-8 @1158

1800 GST @1158

1815 GST @1158

1830 GST @1158

1840 N/E Ross Christopher 119342 to A-L #1

N/E Petrino Justin 119343 to A-L #3 (For/Ref)

N/E Thayer James 80572 to A-L #5

N/E Bishop Shawn 83877 to A-L #6

H/C 5 @1158

1845 GST @1158

1900 GST @1158

1915 GST @1158

1930 GST @1158

1945 GST @1158

2000 GST @1158

2014 Sgt Kuppel cannot appear see _____

2015 GST @1158

2030 GST @1158

2045 GST @1158

2100 GST @1158

2115 GST @1158

2116 N/E Stokes Courtney 49254 to A-L #4 For/Ref (unarr (m))

N/E Lester Jesse 89072 to A-L #7 (For/Ref)

N/E Tarver James 103518 to A-L #8 (NO ECHO, For/Ref)

N/E Simmons James 462 to A-L #9

N/E Palmowski Mark 49519 to A-L #10 (For/Ref)

N/E Hyde Jerry 11938 to A-L #11 (For/Ref)

H/C 11 @1158

2130 GST @1158

2145 GST @1158

2200 GST @1158

2205 N/E Gidney Dana 11023 to A-L #12 (For/Ref)

N/E Cruz Jose 119346 to A-L #13 (For/Ref, seizures)

N/E Rivera, Nelson 97023 to A-L #14 (NO ECCF) H/C 14

2215 GST @1158

2230 GST @1158

2245 GST @1158

2255 End of tour, All appears secure, Equip. to relief. Perkins 1158 (Perkins)

BUFFALO POLICE DEPARTMENT ARREST DATA FORM

DISTRICT OF ARREST: E
PROPERTY: YES NO
MONEY \$ _____

DATE 6/18/09 INCIDENT NUMBER 091690016 RICI# _____ AFN 0907364-18

DEFENDANT'S NAME Brown Sarita L
(LAST) (FIRST) (M)

DATE OF BIRTH _____ AGE 36

ARRESTING OFFICER C. Lehner ASSISTING OFFICER G. McClean

DIST. E ASSIGNMENT E441 ARREST DATE 6/18/09 ARREST TIME 0015

ADDRESS OF ARREST 3583 Main St

CHARGES VTL 600-1a, 1192-2, 1192-2a, 1192-3

NARRATIVE 911 call of Hit & Run Property Damage Only - Description of Vehicle put over air. Veh matching description in area, followed VEH and pulled over at 3583 Main. Comp p-t out same plate. DVW 3660. After investigation, Def did appear intoxicated.

DEFENDANT'S STREET NAME/ALIASES _____

DEFENDANT'S ADDRESS _____

CITY Amherst STATE NY ZIP CODE 14226 US CITIZEN YES NO

SOCIAL SECURITY NUMBER _____ MARITAL STATUS _____ OCCUPATION _____

DEFENDANT'S SEX F HEIGHT 5'4 WEIGHT 140 BUILD Thin EYE COLOR BR

HAIR COLOR Blk SKIN TONE Dark RACE Black ETHNICITY _____

SCARS, MARKS, TATTOOS _____

WARRANTS YES NO (IF YES, ATTACH COPY) DEPUTY INITIALS _____ SATISFACTORY ID YES NO

COMPLAINANT'S NAME SONY RELATIONSHIP _____

COMPLAINANT'S ADDRESS _____

CITY _____ STATE _____ ZIP CODE _____ PHONE NUMBER _____

HAS A CHEMICAL AGENT BEEN USED UPON PRISONER? YES NO

IF YES, NAME OF THE OFFICER ADMINISTERING THE CHEMICAL AGENT _____

VEHICLE TO BE IMPOUNDED? YES NO PLATE # DVW 3660 LOCATION _____

TO BE ASKED BY THE PROCESSING DEPUTY (TO BE ASKED IN PRESENCE OF ARRESTING OFFICERS)

1. Are you injured? YES NO
If yes, describe injury, any bandages, stitches etc. _____
If yes, when were you injured? (date and time) _____

2. Have you received medical attention since your arrest? YES NO
(If yes, Arresting Officers are responsible for completing P-1261)

PROCESSING DEPUTY [Signature] BADGE # 1291

(ARRESTING OFFICER IS RESPONSIBLE FOR: P-31, P-77C, AND DCPS-L-1)

SUBMITTED TO RICI

10:57
7/1/09
Margaret Gruber

Pg 2 SSA's log book

DELIVERIES INFORMATION:

Delivering Officer:

MK

Rank & Badge Number:

POO 168238

Law Enforcement Agency:

BPD

09 JUN 18 AM 2:53
ERIE COUNTY
HOLDING CENTER

1500-2300 Alpha Short Thursday June 18, 2009
Cont. Lt. Duna Sgt. Whalen Dep. Sford
1847 - cont - 1/2m Porown, Sarita to ASht-37 ICU
(68945) - NO notes for either 1/2m. New
| HIC=11. POE

- 1900 Cst. BE
- 1901 Newspaper on unit and passed. BE
- 1903 ③ returned from rec. BE
- 1915 Cst. BE
- 1921 1/4 mail collected. BE
- 1930 Cst. BE
- 1945 Cst. BE
- 2000 Cst. POE
- 2015 Cst. POE
- 2030 Cst. BE
- 2035 law library slips passed. BE
- 2058 Rec'd ① NH.

1/2m Prince, Kylie to ASht-39 ICU (119350)
NUNOR, BCC, no other notes. HIC=12. BE

- 2046 Cst. BE
- 2100 Cst. BE

2112 Sgt Whalen (w/room) on site. Hic in good order
2107 ② called medical and spoke to Lupe. 1/2m #51
Castleberry, Myra complaining of severe
stomach pains. Lupe said to have
her come up w/ female escort. BE

HE - 2115 Cst. BE

- 2120 1/2m #51 Castleberry Myra to medical. BE
- 2130 Cst. BE

- 2131 Nurse Colleen on Unit med on
- 2145 Cst. BE
- 2148 Rec'd ② NH's.

1/2m Porinus, Debra (98467) ECC. NO NOTES to A40.
1/2m Hoff, Audrey (80513) BCC. NO NOTES to A41.
| HIC=14. POE

- 2200 Cst. BE
- 2215 Cst. BE
- 2230 Cst. HIC=14 verified. Unit 4D. BE

2233 Rec'd ① NH. Gavel, Brittany to ASht-42 (119358) HIC=15. BE

- 2245 Cst. BE
- 2255 End of tour. All equipment to relief. PESS 1375

ORI # 1504

ARREST DATA FORM

7/1/09

MONEY \$ 0

DATE 5/17/09 INCIDENT NUMBER 09-137-0006 RICI # _____ AFN 09-15831-1

DEFENDANT'S NAME Dennis Childs
(LAST) (FIRST) (M)

DATE OF BIRTH _____ AGE 48

ARRESTING OFFICER R. Eloff ASSISTING OFFICER S. Meegan

ASSIGNMENT BS43 ARREST DATE 5/17/09 ARREST TIME 0530

ADDRESS OF ARREST 1050 Main

CHARGES PL 200.03, PL 110-155.25, ~~155.25~~ 155.30-4

NARRATIVE Off. S. Meegan did observe def. peeking into vehicles at 12 Linwood. Parking lot. When stopped def did have 1 Glass crack pipe w residue in left Rt. pants pocket recovered by Off. S. Meegan submitted to CPS lab. at ECHC def found in possess of credit belonging to Sheila Donovan. Def had no explanation who she was or how he obtained it.

DEFENDANT'S STREET NAME/ALIASES _____

DEFENDANT'S ADDRESS 2008 _____

CITY Bflo STATE NY ZIP CODE 14209 US CITIZEN YES NO

SOCIAL SECURITY NUMBER _____ MARITAL STATUS _____ OCCUPATION Unemp

DEFENDANT'S SEX M HEIGHT 6'0 WEIGHT 176 BUILD thin EYE COLOR Br

HAIR COLOR Blk SKIN TONE Dark RACE Blk ETHNICITY non-Hisp

SCARS, MARKS, TATTOOS Rt forearm

WARRANTS YES NO (IF YES, ATTACH COPY) DEPUTY INITIALS _____ SATISFACTORY ID YES NO

COMPLAINANT'S NAME SONY RELATIONSHIP non

COMPLAINANT'S ADDRESS _____

CITY Bflo STATE NY ZIP CODE 14202 PHONE NUMBER _____

HAS A CHEMICAL AGENT BEEN USED UPON PRISONER? YES NO

IF YES, NAME OF THE OFFICER ADMINISTERING THE CHEMICAL AGENT _____

VEHICLE TO BE IMPOUNDED? YES NO PLATE # _____ LOCATION _____

TO BE ASKED BY THE PROCESSING DEPUTY (TO BE ASKED IN PRESENCE OF ARRESTING OFFICERS)

Are you injured? YES NO

If yes, describe injury, any bandages, stitches etc. _____

If yes, when were you injured? (date and time) _____

Have you received medical attention since your arrest? YES NO
(If yes, Arresting Officers are responsible for completing P-1261)

PROCESSING DEPUTY Det Galed Gould BADGE # 1142

(ARRESTING OFFICER IS RESPONSIBLE FOR: P-31, P-77C, AND DCPS-L-1)

OFFICER'S INFORMATION:

Delivering Officer:
P.O. R. [Signature]

Rank & Badge Number:
P.O. # 3371

Law Enforcement Agency:
BPD

09 MAY 17 AM 6:03

ERIE COUNTY
HOLDING CENTER

7/1/09

1500-2300 (cont) Alpha Long Lt. Diina

Sunday May 17, 2009 Sgt. Kuppel

H/C 13 Dep. Perkins 158

- 1600 GST@1158
- 1602 chow on unit all served @1158
- 1614 Sgt Kuppel on unit and ~~arrived~~ arrived ~~seen~~
- 1615 GST@1158
- 1629 #13 Washington Phillip escorted to medical @1158
- 1630 GST@1158
- 1635 Trays + trash off unit @1158
- 1643 GST@1158
- 1651 #13 Washington escorted back from medical @1158
- 1700 GST H/C 13 Dep. Perkins 10-10 Lunch @1158
- 1715 GST @1158
- 1730 GST @1158
- 1745 GST Dep Perkins 10-8 @1158
- 1800 GST@1158
- 1815 GST@1158
- 1830 GST@1158
- 1832 I called medical about #12 Pilgram Keon's ~~about~~ ^{about} medication Kathleen said she would look into it @1158
- 1845 GST@1158
- 1848 #2 Anderson Cory and #13 Washington Phillip escorted to medical.
- 1900 GST@1158
- 1903 #3 Harvey Allan escorted to ground floor for shower
| Per Sgt. Kuppel @1158.
- 1905 #2 Anderson and #13 Washington escorted back from medical @1158
- 1906 #9 Sawczyn Timothy escorted to ground floor for shower.
| Per Sgt. Kuppel @1158
- 1910 #3 Harvey escorted back from ground floor @1158
- 1915 GST@1158
- 1917 #9 Sawczyn escorted back from ground floor @1158
- 1918 #10 Steward Antwon escorted to ground floor for shower
| Per Sgt. Kuppel
- 1927 #10 Steward escorted back from ground floor @1158
- 1930 GST@1158
- 1945 GST@1158
- 2000 GST@1158
- 2005 Sgt Kuppel on unit and ~~arrived~~ arrived ~~seen~~
- 2015 GST@1158
- 2030 GST@1158
- 2031 N/E Dennis Childs 62121 to A-L*14 (For Ref, Assaultive, Dep Escort) H/C 14

1500-2300 (cont) Alpha Long Lt. Diina

- 2045 MESS ~~John~~
- 2045 GST@1158
- 2100 GST@1158
- 2115 GST@1158
- 2130 GST@1158
- 2134 N/E Krasniq @1158
N/E Murray Mic
N/E Rogers Em
H/C 17 @1158
- 2145 GST@1158
- 2200 GST@1158
- 2201 #13 Washington r.
- 2206 #13 Washington e.
- 2215 GST@1158
- 2223 N/E Levan Chris
N/E Candler Lisa
H/C 19 @1158
- 2230 GST@1158
- 2245 GST@1158
- 2255 End of tour, all app
- 2300-0700 Alpha Long LT CARNEY
- 2300 Received @ Radio complete Jan app appears operation P.P. on unit @1158
- 2315 GST @ 1059 - 1002
- 2330 GST @
- 2331 ~~John~~ call
- 2345 GST @
- 0000 GST @
- 0015 GST @
- 0030 GST @
- 0045 GST @
- 0100 GST @
- 0115 GST @
- 0130 GST @
- 0145 GST @
- 0200 GST @

BUFFALO POLICE DEPARTMENT ARREST DATA FORM

DATE 6/14/09 INCIDENT NUMBER 09-1650083 RICI # _____ AFN 09-07188-18

DEFENDANT'S NAME Yptzer GARY F
(LAST) (FIRST) (M)

DATE OF BIRTH _____ AGE 30

ARRESTING OFFICER Marcus Fears ASSISTING OFFICER Dustin Johnson

ASSIGNMENT A520 ARREST DATE 6/14/09 ARREST TIME 0215

ADDRESS OF ARREST 2097 Seneca St.

CHARGES PL 170.14-1, 240.26-1, 240.20-1(3)

NARRATIVE Defendant was asked to leave CJ'S Bar on Seneca st. He did leave but returned with a 40oz bottle of beer. He did brake the bottle and Threaten the complainant and complainants mother. Defendant did say Fuck your mother fucker I'm invincible. Defendant was drunk and violent.
DEFENDANT'S STREET NAME/ALIASES Violent.

DEFENDANT'S ADDRESS _____

CITY Buffalo STATE NY ZIP CODE 14210 US CITIZEN YES NO

SOCIAL SECURITY NUMBER _____ MARITAL STATUS Single OCCUPATION Construction

DEFENDANT'S SEX M HEIGHT 6 WEIGHT 200 BUILD Med EYE COLOR Blue

HAIR COLOR Bald SKIN TONE Light RACE White ETHNICITY Caucasian

SCARS, MARKS, TATTOOS None

WARRANTS YES NO (IF YES, ATTACH COPY) DEPUTY INITIALS _____ SATISFACTORY ID YES NO

COMPLAINANT'S NAME _____ RELATIONSHIP _____

COMPLAINANT'S ADDRESS _____

CITY Depew STATE NY ZIP CODE 14043 PHONE NUMBER _____

HAS A CHEMICAL AGENT BEEN USED UPON PRISONER? YES NO

IF YES, NAME OF THE OFFICER ADMINISTERING THE CHEMICAL AGENT _____

VEHICLE TO BE IMPOUNDED? YES NO PLATE # _____ LOCATION SUBMITTED TO RICI

TO BE ASKED BY THE PROCESSING DEPUTY (TO BE ASKED IN PRESENCE OF ARRESTING OFFICERS)

1. Are you injured? YES NO
If yes, describe injury, any bandages, stitches etc. _____
If yes, when were you injured? (date and time) _____

2. Have you received medical attention since your arrest? YES NO

(If yes, Arresting Officers are responsible for completing P-1261)

PROCESSING DEPUTY _____ BADGE # _____

18
10:55 Am
7/1/09
Maryann
Gruber

Pg 1 SSA-104
Logbook

ADMISSIONS INFORMATION:

Delivering Officer:

Marcus L. Fears

Rank & Badge Number:

Police officer 2105

Law Enforcement Agency:

Buffalo Police Dept.

99-2 NY 71 NDC 6002
2009 JUN 14 AM 2:56

(cont) ALONG

0700-1500 Lt DIINA Sgt LOBESTRO

SUNDAY JUNE 14, 2009
H/C 6 DEP DWANES #180

1320 QUINN JAMES IS ESCAPE RISK H/C 6 @ #180

1330 GST @ #180

1345 GST @ #180

1400 GST @ #180

1415 GST, 1/m JONES, ROBERT COMPLAINS OF PEPPER
SPRAY IN FACE BEING REACTIVATED, MEDICAL (KATHY)
CALLED, THEY TOLD ME TO CALL SGT TO TAKE TO
LINEN ROOM THEN UP TO MEDICAL; CENTRAL CONTROL
NOTIFIED WAITING FOR SGT TO CALL BACK @ #1801425 1/m #4 JONES ROBERT TO LINEN ROOM ESCORTED
BY DEP RUSI @ #130 BK @ 1435 @ #180

1427 N/I REED, DWIGHT ICN # 84341 TO AL # 7;

DERDRICK, FRAY ICN # 119272 TO AL # 8;

MOLINA, NELSON ICN # 119283 TO AL # 9 * MINOR H/C 9 @

1430 GST @ #180

1445 GST H/C 9 @ #180

1455 END OF TOUR, EQUIPMENT TO RELIEF, ALL APPEARS SAFE
AND SECURE @ THIS TIME @ DEP DWANES #180

1500-2300 Alpha Long

Sunday June 14, 2009

1 Lt. Diina

Sgt. Whalen

Dep. Perkins 1158

1500 GST, H/C 9 received radio 111, 5 keys, 1 COOK, F/S appears
operational, safety check all appears secure, previous logs
read P/H on unit @ 1158

1510 10-59 10-2 @ 1158

1515 GST @ 1158

1530 GST @ 1158

1545 GST @ 1158

1600 GST @ 1158

1601 Chow on unit all served @ 1158

1615 GST @ 1158

1625 Trash off unit @ 1158

1630 GST @ 1158

1635 N/I Yetzer Gary 44766 to A-L # 10 FOR/REF @ 1158

N/I Hairston James 119295 to A-L # 11 FOR/REF

N/I Hood Fred 27345 to A-L # 12

N/I Morales Guillermo to A-L # 13 ICN # 84351

H/C 13 N/I's served chow @ 1158

1645 GST @ 1158

1700 GST, Dep Perkins 10-10 Lunch @ 1158

ARREST DATA FORM

PROPERTY: YES NO
MONEY \$

DATE 7/6/09 INCIDENT NUMBER 09-181-0723 RICI# 9182 AFD 09-08191-10

DEFENDANT'S NAME MORRISON (LAST) JEANNIE (FIRST) M (M)

DATE OF BIRTH [REDACTED] AGE 34

ARRESTING OFFICER P. Koccal ASSISTING OFFICER G. Sengbush

DIST. C ASSIGNMENT C-431 ARREST DATE 7/6/09 ARREST TIME 0005

ADDRESS OF ARREST 139 PECK

CHARGES PL 16545-5 PL 16505-1 PL 165.40

NARRATIVE ABOVE DEF DID HAVE IN HER POSSESSION & UNDER CONTROL A 2007 NISSAN VERSA⁴⁰ BLACK NY REG EFT 7821 REPORTED STOLEN 6/29/09. Det was behind the wheel with keys & CAR RUNNING when Otcs. Responded to 911 call

DEFENDANT'S STREET NAME/ALIASES

DEFENDANT'S ADDRESS [REDACTED]

CITY Bt10 STATE NY ZIP CODE US CITIZEN YES NO

SOCIAL SECURITY NUMBER [REDACTED] MARITAL STATUS Single OCCUPATION

DEFENDANT'S SEX F HEIGHT 5'6 WEIGHT 100 BUILD Slim EYE COLOR BR

HAIR COLOR BK SKIN TONE RACE ETHNICITY

SCARS, MARKS, TATTOOS Left hip

WARRANTS YES NO (IF YES, ATTACH COPY) DEPUTY INITIALS JR SATISFACTORY ID YES NO

COMPLAINANT'S NAME [REDACTED] RELATIONSHIP NONE

COMPLAINANT'S ADDRESS [REDACTED]

CITY Chcek STATE NY ZIP CODE 14225 PHONE NUMBER [REDACTED]

HAS A CHEMICAL AGENT BEEN USED UPON PRISONER? YES NO
IF YES, NAME OF THE OFFICER ADMINISTERING THE CHEMICAL AGENT

VEHICLE TO BE IMPOUNDED? YES NO PLATE # LOCATION

TO BE ASKED BY THE PROCESSING DEPUTY (TO BE ASKED IN PRESENCE OF ARRESTING OFFICERS)

1. Are you injured? YES NO
If yes, describe injury, any bandages, stitches etc.
If yes, when were you injured? (date and time) 0:28

2. Have you received medical attention since your arrest? YES NO
(If yes, Arresting Officers are responsible for completing P-1261)

PROCESSING DEPUTY [Signature] BADGE # 460

SUBMITTED TO RICH [Signature]

MISSIONS INFORMATION:

Delivering Officer:

P. Kocel

Rank & Badge Number:

PO 3172

Law Enforcement Agency:

BPD

AS

ERIE COUNTY
HOLDING CENTER
09 JUL - 6 AM 9:56

6, 2009 H/c = 1
 steller Dep C. Scania
 // on bench, staring @
 bench, legs folded,
 bench, staring, but
 p in cell, staring
 n cell, talking to
 bench, staring @
 bench, staring @
 with #1 Hershey @
 with #1 Hensley, back
 as continuous @
 on bunk, staring @
 c @
 y in cell, staring
 ing by the gate,
 got bars staring out @
 on bench staring out @
 round cell @
 g near the gate,
 ng near the gate
 near the gate
 reported back to the
 @
 from the Buffalo @
 & returning to
 to CMS obs bunk #2

1500-2300 ISO#5 Constant Observation
 H/c 1

Monday, July 6, 2009

LT. Diina SGT. Whalen Dep. Hernandez
 Radio # 740. Elm Morrison, Jeanne. Elm returned
 from Court and placed in ISO#5 per CPEP - see Not. form #

- 1630 Elm Morrison lying on bunk. JH.
- 1635 Choo on unit. Elm Morrison eating dinner - JH #1299
- 1645 Elm Morrison lying on bunk. JH. #1299
- 1700 Elm Morrison lying on bunk. JH. #1299
- 1715 Elm Morrison lying on bunk. JH. #1299
- 1730 Elm Morrison lying on bunk. JH. #1299
- 1745 Elm Morrison lying on bunk. JH. #1299
- 1800 Dep. Hernandez 10-10. Dep. Molenda 10-8. JH #1299
- 1815 F/m Morrison appears asleep
- 1830 F/m Morrison appears asleep. Dep Molenda 10-10
- 1840 Dep. Hernandez 10-8. JH. #1299
- 1840 Elm Morrison taken to medical. JH.
- 1850 Elm Morrison returned from medical using bathroom. JH
- 1900 Elm Morrison lying on bunk. JH. #1299
- 1915 Elm Morrison lying on bunk. JH. #1299
- 1930 Elm Morrison lying on bunk. JH. #1299
- 1945 Elm Morrison lying on bunk. JH. #1299
- 2000 Elm Morrison lying on bunk. JH. #1299
- 2015 Elm Morrison lying on bunk. JH. #1299
- 2030 Elm Morrison lying on bunk. JH. #1299
- 2045 Elm Morrison lying on bunk. JH. #1299
- 2100 Elm Morrison lying on bunk - appears asleep. JH. #1299
- 2115 Elm Morrison lying on bunk - appears asleep. JH. #1299
- 2120 Dep. Molenda relieved for bathroom break - Dep Hernandez 10-10.
- 2125 Dep. Hernandez 10-8. Dep Molenda 10-10. JH. #1299
- 2130 Elm Morrison lying on bunk - appears asleep. JH. #1299
- 2145 Elm Morrison lying on bunk - appears asleep. JH. #1299
- 2145 Sgt Whalen on inter
- 2200 Elm Morrison lying on bunk - appears asleep. J.H. #1299
- 2215 Elm Morrison lying on bunk - appears asleep. J.H. #1299
- 2230 Elm Morrison lying on bunk - appears asleep. JH #1299
- 2245 Elm Morrison lying on bunk - appears asleep. JH #1299
- 2255 End of tour. All appears safe + secure. JH #1299

2308- ISO, #5 CONSTANT OBS. TUESDAY JULY 7, 2009 [H/C=1]
 0700 LT. ISCH SGT. WEYAND-GARRETT DEP. SENGBUSCH #1262
 2300 V.S.T. [H/C=1] VERIFIED, RELIEVED RADIO #740, LOG BOOK. PREVIOUS LOGS READ, FIRE, SAFETY, SECURITY CHECK COMPLETE; ALL APPEARS SAFE AND SECURE AT THIS TIME. INMATE-MORRISON, JEANNIE-I.C.N. #23855 ON CONSTANT OBS. PER C.P.E.P. ALL REQUIRED PAPERWORK IS ON POST. J. Sengbusch #1262 - SENGBUSCH
 2301 I/M-MORRISON, APPEARS ASLEEP ON LEFT SIDE. JAO #1262
 2315 I/M-MORRISON, APPEARS ASLEEP ON LEFT SIDE. JAO #1262
 2320 10-59/10-2 JAO #1262
 2330 I/M-MORRISON, APPEARS ASLEEP ON RIGHT SIDE. JAO #1262
 2345 I/M-MORRISON, APPEARS ASLEEP ON RIGHT SIDE. JAO #1262
 2400 I/M-MORRISON, APPEARS ASLEEP ON RIGHT SIDE. JAO #1262
 0015 I/M-MORRISON, APPEARS ASLEEP ON RIGHT SIDE. JAO #1262
 0015 St. Fulton and remarks removed
 0030 I/M-MORRISON, APPEARS ASLEEP ON STOMACH. JAO #1262
 0031 Sgt Weyand-Harriet sup. tour
 0045 I/M-MORRISON, APPEARS ASLEEP ON STOMACH. JAO #1262
 0100 I/M-MORRISON, APPEARS ASLEEP ON STOMACH. JAO #1262
 0115 I/M-MORRISON, APPEARS ASLEEP ON STOMACH. JAO #1262
 0130 I/M-MORRISON, APPEARS ASLEEP ON STOMACH. JAO #1262
 0145 I/M-MORRISON, APPEARS ASLEEP ON STOMACH. JAO #1262
 0200 I/M-MORRISON, APPEARS ASLEEP ON RIGHT SIDE. JAO #1262
 0203 DEP. SENGBUSCH 10-10 JAO #1262 Dep Miller 10-8
 0215 Jim Morrison lying on bunk appears asleep. @
 0230 Jim Morrison lying on bunk appears asleep. @
 0231 Dep Miller 10-10 DEP. SENGBUSCH 10-8 JAO #1262
 0245 I/M-MORRISON, APPEARS ASLEEP ON LEFT SIDE. JAO #1262
 0300 I/M-MORRISON, APPEARS ASLEEP ON LEFT SIDE. JAO #1262
 0315 I/M-MORRISON, APPEARS ASLEEP ON LEFT SIDE. JAO #1262
 0330 I/M-MORRISON, APPEARS ASLEEP ON STOMACH. JAO #1262
 0345 I/M-MORRISON, APPEARS ASLEEP ON STOMACH. JAO #1262
 0400 I/M-MORRISON, APPEARS ASLEEP ON STOMACH. JAO #1262
 0415 I/M-MORRISON, APPEARS ASLEEP ON LEFT SIDE. JAO #1262
 0430 I/M-MORRISON, APPEARS ASLEEP ON LEFT SIDE. JAO #1262
 0445 I/M-MORRISON, APPEARS ASLEEP ON LEFT SIDE. JAO #1262
 0500 I/M-MORRISON, APPEARS ASLEEP ON LEFT SIDE. JAO #1262
 0513 I/M-MORRISON, APPEARS ASLEEP ON RIGHT SIDE. JAO #1262
 0520 I/M-MORRISON, TOLD TO TAKE BLANKET OFF HER HEAD TWICE, HAS YET TO COMPLY. JAO #1262
 0530 I/M-MORRISON, APPEARS ASLEEP, YET TO REMOVE BLANKET. JAO #1262

(2308- ISO, #5 CONSTANT O
 0700) LT. ISCH
 0545 I/M-MORRISON, APPEARS
 0600 I/M-MORRISON, APPEARS
 0615 I/M-MORRISON, APPEARS
 0630 I/M-MORRISON, APPEARS
 0632 CLOW SERVED. JAO #1262
 0645 I/M-MORRISON, APPEARS
 0655 END OF TOUR, EQUIM AT THIS TIME. JAO #1262
 0700-1500 Iso. #5. Constant Lt. Webster
 0700 VST, [H/C=1] verify I/M-MORRISON, J. per C.P.E.P. all papers #5, Morrison right side, appears
 0730 I/M-MORRISON, J. eating breakfast.
 0745 I/M-MORRISON, lay appears to be sleeping @
 0747 by Muttis
 0800 I/M-MORRISON, lay to be sleeping @
 0810 10-59/10-2 @
 0815 I/M-MORRISON, lay sleeping @
 0830 I/M-MORRISON, lay sleeping @
 0845 I/M-MORRISON, lay be sleeping @
 0900 I/M-MORRISON, lay to be sleeping @
 0915 I/M-MORRISON, lay be sleeping @
 0930 I/M-MORRISON, lay to be sleeping @
 0945 I/M-MORRISON, lay be sleeping @
 1000 I/M-MORRISON, lay be sleeping @

2308-0700

CONT'D

Page 3 of 4

7/7/09 f. Kuppel 357

JULY 7, 2009 [H/C=1]

GARRETT DEP. SENGBUSCH #1262

#740, LOGBOOK, PREVIOUS

COMPLETE: ALL APPEARS

LATE - MORRISON, JEANNIE -

PER C.P.E.P. - ALL REQUIRED

26/1262 - SENGBUSCH

ON LEFT SIDE. #1262

LEFT SIDE. #1262

RIGHT SIDE. #1262

RIGHT SIDE. #1262

RIGHT SIDE. #1262

ON RIGHT SIDE. #1262

STOMACH. #1262

STOMACH. #1262

STOMACH. #1262

STOMACH. #1262

STOMACH. #1262

STOMACH. #1262

RIGHT SIDE. #1262

WELL 10-8 P

appear asleep. #

appear asleep. #

0-8 #1262

LEFT SIDE. #1262

LEFT SIDE. #1262

LEFT SIDE. #1262

STOMACH. #1262

STOMACH. #1262

STOMACH. #1262

LEFT SIDE. #1262

LEFT SIDE. #1262

LEFT SIDE. #1262

LEFT SIDE. #1262

ON RIGHT SIDE. #1262

OFF HER HEAD TWICE, HAS

TO REMOVE BLANKET #1262

(2388-

0700)

ISO.#5 CONSTANT OBS.

LT. ISCH

TUESDAY JULY 7, 2009

[H/C=1]

Sgt WEYAND-BARRETT

DEP. SENGBUSCH #1262

0545 I/M - MORRISON, APPEARS ASLEEP. HAS YET TO REMOVE BLANKET. #1262

0600 I/M - MORRISON, APPEARS ASLEEP; FINALLY COMPLIANT ABOUT BLANKET. #1262

0615 I/M - MORRISON, APPEARS ASLEEP ON STOMACH. #1262

0630 I/M - MORRISON, APPEARS ASLEEP ON STOMACH. #1262

0652 EDUW SERVED. #1262

0645 I/M - MORRISON, APPEARS ASLEEP ON RIGHT SIDE. #1262

0655 END OF TOUR, EQUIPMENT TO RELIEF: ALL APPEARS SAFE AND SECURE AT THIS TIME. #1262 - SENGBUSCH

0700-1500 ISO.#5 Constant obs. Tuesday July 7, 2009 [H/C=1]

Lt. Webster

Sgt Musteller

Dep. C Scario

0700 VST, [H/C=1] verified, received radio #740, previous logs read, #1262

#1262 - Morrison, Jeannie - 1 len # 23855 on constant obs per C.P.E.P, all paperwork on unit @

0715 #1262, Morrison, Jeannie laying on floor bunk on her right side, appears to be sleeping @

0730 #1262, Morrison, Jeannie laying on floor bunk, sitting up eating breakfast @

0745 #1262, Morrison, laying on floor bunk, laying on H side, appears to be sleeping @

0747 #1262, Mutts on unit

0800 #1262, Morrison, laying on floor bunk laying on side, appears to be sleeping @

0810 10-59/10-2 @

0815 #1262, Morrison, laying on floor bunk on side, appears to be sleeping @

0830 #1262, Morrison, laying on floor bunk on side, appears to be sleeping @

0845 #1262, Morrison, laying on floor bunk on side, appears to be sleeping @

0900 #1262, Morrison, laying on floor bunk on stomach, appears to be sleeping @

0915 #1262, Morrison, laying on floor bunk on stomach, appears to be sleeping @

0930 #1262, Morrison, laying on floor bunk, on side and appears to be sleeping @

0945 #1262, Morrison, laying on floor bunk on side, appears to be sleeping @

1000 #1262, Morrison, laying on floor bunk on side, appears to be sleeping @

Cont...

Iso #5 Constant Obs. Thursday, July 1st 2009 [11:11]7/1/09
Kappel

Page 4 of 4

- 0700-1500 Lt. Webster Sgt. Musteller Dep. C Scanio
- 1001 10-10 Dep C Scanio @ Dep Bettin on post for
relief. Inmate Morrison appears caseload (C)
- 1015 1/m Morrison lying on bed, appears caseload (C)
- 1030 1/m Morrison lying on bed, appears caseload (C)
- 1045 1/m Morrison lying on bed, appears caseload (C)
- 1100 1/m Morrison lying on bed, appears caseload (C)
- 1101 1/m Morrison, talking to forensics ^{being} interviewed (C)
 Contact P/F J. Noland. who is withdrawn fr
 crack cocaine & methadone. Dennis Selic de the night.
 Will man to A&H → Continue to follow.
- 1115 1/m Morrison ~~took~~ ^{went} to medical (C)
- 1135 1/m Morrison got cleared from forensics and per
 Sgt. Evans got placed in bull-East #32 (C)
- 1140 End of tour, log book and radio to control (C)

ERIE COUNTY
HOLDING CENTER

09 JUN 22 PM 6:11

ADMISSIONS INFORMATION:

Delivering Officer:

D. DONALD

Rank & Badge Number:

P.O. #3081

Enforcement Agency:

BP BOSTON

7/8/09
Sgt Jenkins
Pg 1 of 3
Kosbook
178

Cont... TUESDAY

ISO # 5 Constant Obs. Thursday, July 7th, 2009 H/C-1

- 0700-1500 Lt. Webster Sgt. Musteller Dep C Scanio
- 1001 10-10 Dep C Scanio @ Dep Bellamy on post for relief, Inmate Morrison appears asleep (C)
- 1015 1/2m Morrison lying on bunk appears asleep (C)
- 1030 1/2m Morrison lying on bunk appears asleep (C)
- 1045 3/4m Morrison lying on bunk appears asleep (C)
- 1100 1m Morrison lying on bunk appears asleep (C)
- 1101 1 1/2m Morrison, talking to forensics, interviewed, (C) @ Arthur P/F J. Marist. who is untdray fr Crack cocaine & methadon. Denu suicide thought. Will man to A/H → Contants to follow.
- 1115 1 1/2m Morrison ~~took~~ ^{went} to medical (C)
- 1135 1/2m Morrison got cleared from forensics and per Sgt. Evans got placed in bull-East #32 (C)
- 1140 End of tour, log book and radio to control (C)

TUESDAY JULY 7, 2009

15⁰⁰ 23⁰⁰ DEP WIZIENUS #969 LT ISCH / SGT KUPPEL / SGT WAGLEN

- 1830 POST OPENED, RADIO #738 ON UNIT #969
- N/I - CARMICHAEL, KIMBERLY, ^{PER CON OBS} WELLS, ISO #5 PER SHAWTEL; SGT KUPPEL; LT ISCH / H/C #969
- 1 1/2m CARMICHAEL TALKING TO DEPUTY, STATES SHE'S ^{SICK} ~~ACHOSI~~, NOT FEELING WELL IN HEAD, NEEDS MEDS INCREASED, STATES SHE WILL TELL COUNSELOR (C) #969
- 1845 CARMICHAEL MAKING BED, LYING DOWN #969
- 1900 CARMICHAEL LYING ON BOAT, APPEARS SLEEPING (C) #969
- 1915 CARMICHAEL FIXING BLANKETS ON BOAT, FIXING HAIR (C) #969
- 1930 CARMICHAEL LYING ON BOAT, APPEARS SLEEPING (C) #969
- 1945 CARMICHAEL LYING ON BOAT, APPEARS SLEEPING (C) #969
- 2000 CARMICHAEL LYING ON BOAT, "ROCKING", APPEARS SLEEPING (C) #969
- 2015 CARMICHAEL LYING ON BOAT, APPEARS SLEEPING (C) #969
- 2030 CARMICHAEL LYING ON BOAT, APPEARS SLEEPING (C) #969
- 2045 CARMICHAEL LYING ON BOAT, ATTEMPTING TO COVER UP WITH BLANKET, APPEARS SLEEPING (C) #969
- 2100 CARMICHAEL LYING ON BOAT, APPEARS SLEEPING (C) #969
- 2115 CARMICHAEL LYING ON BOAT, APPEARS SLEEPING (C) #969
- 2130 CARMICHAEL LYING ON BOAT, APPEARS SLEEPING (C) #969
- 2145 CARMICHAEL LYING ON BOAT, APPEARS SLEEPING (C) #969
- 2200 CARMICHAEL LYING ON BOAT, APPEARS SLEEPING (C) #969
- 2215 CARMICHAEL LYING ON BOAT, ROCKING, APPEARS SLEEPING (C) #969

7/8/09
 Sgt Jenkins
 PG 3043
 Log book
 118

212000 Iso #5 Constant obs. Wednesday July 8 2009
 Lt. Isal Sgt. Franklin Dept. York
 0530 I/M Carmichael appears asleep on boat. 1230
 0545 I/M Carmichael appears asleep on boat. 1230
 0600 I/M Carmichael appears asleep on boat. 1230
 0615 I/M Carmichael appears asleep on boat. 1230
 0630 I/M Carmichael appears asleep on boat. 1230
 0645 Chad in room and I/M Carmichael lying on bunk awake.

End of tour. Equip. to be checked, all appears secure at this time. H/C I/M Sgt. [unclear]

0700-1500 Iso #5 Const obs Wednesday July 8 2009
 Lt Webster Sgt Dep. Caraballo
 0700 VST, H/C I verified, received radio 738, Prev logs read, safety & security checks, all appears secure at this time. 1230
 0700 I/M Carmichael, Kimberly on bunk appears asleep @ 1230
 0715 I/M Carmichael at door calling this Deputy a "Bitch" @ 1230
 0730 I/M Carmichael on boat appears asleep @ 1230
 0745 I/M Carmichael on boat appears asleep @ 1230
 0800 I/M Carmichael on boat appears asleep @ 1230
 0815 I/M Carmichael on boat appears asleep @ 1230
 0830 I/M Carmichael on boat appears asleep @ 1230
 0845 I/M Carmichael on boat appears asleep @ 1230
 0900 I/M Carmichael on boat appears asleep @ 1230

STATE OF NEW YORK
SUPREME COURT COUNTY OF ERIE

**THE NEW YORK STATE
COMMISSION OF CORRECTION,**

Petitioner,

-against-

AFFIDAVIT

TIMOTHY HOWARD, Individually and
in his capacity of Sheriff of
Erie County, New York,

Respondent.

STATE OF NEW YORK)
COUNTY OF ALBANY) ss:)

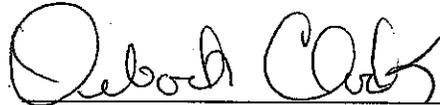
DEBORAH CLARK, being duly sworn, deposes and says:

1. I am currently employed as a Correctional Facility Specialist II with the New York State Commission of Correction, wherein my duties include visiting, inspecting and appraising the management and conditions of correctional facilities.
2. At the behest of Commission Chairman Thomas A. Beilein, and pursuant to subdivisions (3) and (7) of Correction Law section 45, I was commissioned to visit, inspect, appraise and monitor the Erie County Holding Center from June 30 to July 1, 2009.
3. While in the Alpha Long housing unit of the Erie County Correctional Facility on July 1, 2009, I personally observed that the following inmates had only been issued one sheet and had not been issued a pillow, pillowcase, or towel:
 - Nicholas Johnson (ICN No. 81609)
 - Gerald Sanders (ICN No. 119528)
 - Michael Urban (ICN No. 13917)
 - Curtis Daughy (ICN No. 31208)
 - Frederick Miller (ICN No. 105677)
 - Michael Sage (ICN No. 95329)
 - Noel Velazquez (ICN No. 119532)
 - Joseph Ingram (ICN No. 1117)
 - Eric Bogden (ICN No. 119535)
 - David Ertel (ICN No. 56524)
 - Reginald Peete (ICN No. 99920)

4. While in the Alpha Short housing unit of the Erie County Correctional Facility on July 1, 2009, I personally observed that the following inmates had only been issued one sheet and had not been issued a pillowcase:

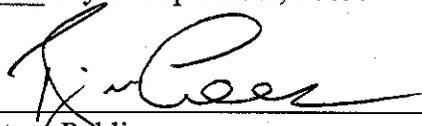
- Pamela Robinson (ICN No. 35062)
- Delisha Dunn (ICN No. 119533)
- Evelina Anderson (ICN No. 17321)
- Nicole Jenkins (ICN No. 40230)

Dated: September 15, 2009
Albany, New York



DEBORAH CLARK

Sworn to before me this
15 day of September, 2009.



Notary Public
BRIAN M. CALLAHAN
Notary Public, State of New York
Qualified in Schenectady County
No. 6003133
Commission Expires Feb. 23, 20 10

STATE OF NEW YORK
SUPREME COURT COUNTY OF ERIE

**THE NEW YORK STATE
COMMISSION OF CORRECTION,**

Petitioner,

-against-

AFFIDAVIT

TIMOTHY HOWARD, Individually and
in his capacity of Sheriff of
Erie County, New York,

Respondent.

STATE OF NEW YORK)
COUNTY OF ALBANY) ss:)

ELISHA HAMILTON, being duly sworn, deposes and says:

1. I am currently employed as a Correctional Facility Specialist I with the New York State Commission of Correction, wherein my duties include visiting, inspecting and appraising the management and conditions of correctional facilities.
2. At the behest of Commission Chairman Thomas A. Beilein, and pursuant to subdivisions (3) and (7) of Correction Law section 45, I was commissioned to visit, inspect, appraise and monitor the Erie County Holding Center from June 30 to July 1, 2009.
3. While in the Alpha Long housing unit of the Erie County Correctional Facility on July 1, 2009, I personally observed that the following inmates had only been issued one sheet and had not been issued a pillow, pillowcase, or towel:
 - Nicholas Johnson (ICN No. 81609)
 - Gerald Sanders (ICN No. 119528)
 - Michael Urban (ICN No. 13917)
 - Curtis Daughy (ICN No. 31208)
 - Frederick Miller (ICN No. 105677)
 - Michael Sage (ICN No. 95329)
 - Noel Velazquez (ICN No. 119532)
 - Joseph Ingram (ICN No. 1117)
 - Eric Bogden (ICN No. 119535)
 - David Ertel (ICN No. 56524)
 - Reginald Peete (ICN No. 99920)

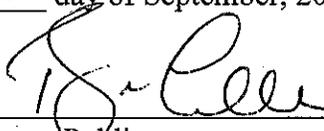
4. While in the Alpha Short housing unit of the Erie County Correctional Facility on July 1, 2009, I personally observed that the following inmates had only been issued one sheet and had not been issued a pillowcase:

- Pamela Robinson (ICN No. 35062)
- Delisha Dunn (ICN No. 119533)
- Evelina Anderson (ICN No. 17321)
- Nicole Jenkins (ICN No. 40230)

Dated: September 10, 2009
Albany, New York


ELISHA HAMILTON

Sworn to before me this
10th day of September, 2009.


Notary Public

BRIAN M. CALLAHAN
Notary Public, State of New York
Qualified in Schenectady County
No. 6003133
Commission Expires Feb. 23, 20 10

STATE OF NEW YORK
SUPREME COURT COUNTY OF ERIE

**THE NEW YORK STATE
COMMISSION OF CORRECTION,**

Petitioner,

-against-

AFFIDAVIT

TIMOTHY HOWARD, Individually and
in his capacity of Sheriff of
Erie County, New York,

Respondent.

STATE OF NEW YORK)
COUNTY OF ALBANY) ss:)

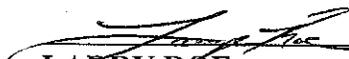
LARRY ROE, being duly sworn, deposes and says:

1. I am currently employed as a Correctional Facility Specialist I with the New York State Commission of Correction, wherein my duties include visiting, inspecting and appraising the management and conditions of correctional facilities.
2. At the behest of Commission Chairman Thomas A. Beilein, and pursuant to subdivisions (3) and (7) of Correction Law section 45, I was commissioned to visit, inspect, appraise and monitor the Erie County Holding Center from July 1 to July 2, 2009, and also from July 5 to July 8, 2009.
3. While in the Bravo Short housing unit of the Erie County Correctional Facility on July 2, 2009, I personally observed that the following inmates had not been issued a pillow:
 - Andre Ingram (ICN No. 093292)
 - Lenard Harris (ICN No. 024319)
4. While in the Alpha Long housing unit of the Erie County Correctional Facility on July 6, 2009, I personally observed that the following inmates had not been issued a pillow, pillowcase, sheets, drinking cup, toothpaste or toothbrush:
 - Christopher Krayna (ICN No. 83512)
 - Joshua McLeod (ICN No. 115796)
 - Richard Boswell (ICN No. 63069)
5. On July 6, 2009, Erie County Deputy Ralph Colucci advised your deponent that unarraigned inmates were issued different bedrolls than committed inmates. Deputy Colucci explained

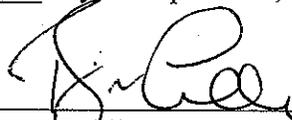
that unarraigned inmates were only issued a bedroll containing a blanket and one sheet, as they would only be in the facility for a couple of hours.

6. On July 2, 2009, while touring the Bravo Long housing unit of the Erie County Holding Center, I requested the housing officer to provide me with an inmate grievance form. After searching his unit work desk and area, the housing unit officer advised me that there were no inmate grievance forms available on the unit.
7. On July 2, 2009, while touring the Bravo Segregation housing unit of the Erie County Holding Center, I requested the housing unit officer to provide me with an inmate grievance form. After searching his unit work desk and area, the housing unit officer advised me that there were no inmate grievance forms available on the unit. Shortly thereafter, Andre Garner (ICN No. 027047), an inmate of the Bravo Segregation housing unit, requested but did not receive an inmate grievance form.

Dated: September 10, 2009
Albany, New York


LARRY ROE

Sworn to before me this
10th day of September, 2009.


Notary Public

BRIAN M. CALLAHAN
Notary Public, State of New York
Qualified in Schenectady County
No. 6003133
Commission Expires Feb. 23, 20 10

STATE OF NEW YORK
SUPREME COURT COUNTY OF ERIE

**THE NEW YORK STATE
COMMISSION OF CORRECTION,**

Petitioner,

-against-

AFFIDAVIT

TIMOTHY HOWARD, Individually and
in his capacity of Sheriff of
Erie County, New York,

Respondent.

STATE OF NEW YORK)
COUNTY OF ALBANY) ss:)

RICHARD KINNEY, being duly sworn, deposes and says:

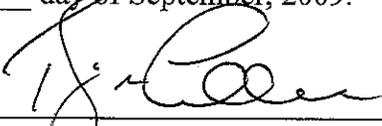
1. I am currently employed as a Correctional Facility Specialist III with the New York State Commission of Correction, wherein my duties include visiting, inspecting and appraising the management and conditions of correctional facilities.
2. At the behest of Commission Chairman Thomas A. Beilein, and pursuant to subdivisions (3) and (7) of Correction Law section 45, I was commissioned to visit, inspect, appraise and monitor the Erie County Holding Center from June 16 to June 18, 2009, and June 24 to 25, 2009.
3. While in the Alpha Short housing unit of the Erie County Correctional Facility on June 16, 2009, I personally observed that inmate Marcia Henderson (ICN No. 42651) was only issued one sheet and was not issued soap, a toothbrush, toothpaste, a drinking cup, toilet paper or a bath towel.

Dated: September 10, 2009
Albany, New York



RICHARD KINNEY

Sworn to before me this
10th day of September, 2009.



Notary Public

BRIAN M. CALLAHAN
Notary Public, State of New York
Qualified in Schenectady County
No. 6003133
Commission Expires Feb. 23, 2010

STATE OF NEW YORK
SUPREME COURT COUNTY OF ERIE

**THE NEW YORK STATE
COMMISSION OF CORRECTION,**

Petitioner,

-against-

AFFIDAVIT

TIMOTHY HOWARD, Individually and
in his capacity of Sheriff of
Erie County, New York,

Respondent.

STATE OF NEW YORK)
COUNTY OF ALBANY) ss:)

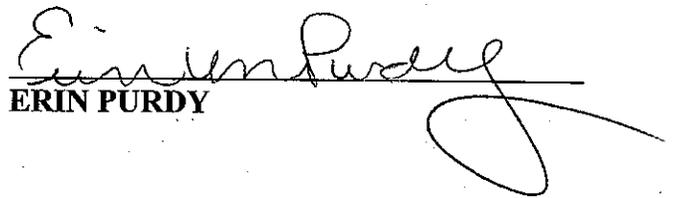
ERIN PURDY, being duly sworn, deposes and says:

1. I am currently employed as a Correctional Facility Specialist I with the New York State Commission of Correction, wherein my duties include visiting, inspecting and appraising the management and conditions of correctional facilities.
2. At the behest of Commission Chairman Thomas A. Beilein, and pursuant to subdivisions (3) and (7) of Correction Law section 45, I was commissioned to visit, inspect, appraise and monitor the Erie County Holding Center from June 16 to June 18, 2009, and from September 16 to September 17, 2009.
3. While in the Alpha Short housing unit of the Erie County Correctional Facility on June 16, 2009, I personally observed that inmate Marcia Henderson (ICN No. 42651) was only issued one sheet and was not issued soap, a toothbrush, toothpaste, a drinking cup, toilet paper or a bath towel.
4. On September 16, 2009, at approximately 3:00 p.m., Cynthia Diaz and I toured the Delta housing unit of the Erie County Holding Center. Each of the four (4) inmates detained therein was asked if they had been issued an inmate handbook upon admission. All four inmates answered that they had not. An examination of each inmate's tote/property bin and a visual inspection of their cells did not reveal the presence of a handbook.
5. On September 16, 2009, at approximately 3:10 p.m., Cynthia Diaz and I toured the Charlie housing unit of the Erie County Holding Center. Each of the four (4) inmates detained therein was asked if they had been issued an inmate handbook upon admission. All four inmates answered that they had not. An examination of each inmate's tote/property bin and a visual

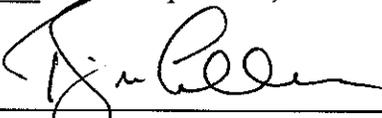
inspection of their cells did not reveal the presence of a handbook.

6. On September 16, 2009, at approximately 3:45 p.m., Cynthia Diaz and I toured the Bravo housing unit of the Erie County Holding Center. Each of the four (4) inmates detained therein was asked if they had been issued an inmate handbook upon admission. All but one (1) of the four inmates answered that they had not. An examination of the remaining three (3) inmate's tote/property bins and a visual inspection of their cells did not reveal the presence of a handbook.
7. On September 16, 2009, at approximately 4:00 p.m., Cynthia Diaz and I toured the Alpha Dorm housing unit of the Erie County Holding Center. Each of the two (2) inmates detained therein was asked if they had been issued an inmate handbook upon admission. Both inmates answered that they had not. An examination of each inmate's tote/property bin and a visual inspection of their cells did not reveal the presence of a handbook.
1. On September 16, 2009, at approximately 4:15 p.m., Cynthia Diaz and I toured the Alpha Long housing unit of the Erie County Holding Center. Four (4) inmates detained therein were asked if they had been issued an inmate handbook upon admission. All four inmates answered that they had not. An additional inmate on the unit appeared to be incoherent, and was therefore not questioned. A visual inspection of each inmate's cell did not reveal the presence of a handbook.

Dated: September 17, 2009
Albany, New York


ERIN PURDY

Sworn to before me this
17th day of September, 2009.



Notary Public

BRIAN M. CALLAHAN
Notary Public, State of New York
Qualified in Schenectady County
No. 6003133
Commission Expires Feb. 23, 2010

STATE OF NEW YORK
SUPREME COURT COUNTY OF ERIE

**THE NEW YORK STATE
COMMISSION OF CORRECTION,**

Petitioner,

-against-

AFFIDAVIT

TIMOTHY HOWARD, Individually and
in his capacity of Sheriff of
Erie County, New York,

Respondent.

STATE OF NEW YORK)
COUNTY OF ALBANY) ss:)

CYNTHIA DIAZ, being duly sworn, deposes and says:

1. I am currently employed as a Correctional Facility Specialist I with the New York State Commission of Correction, wherein my duties include visiting, inspecting and appraising the management and conditions of correctional facilities.
2. At the behest of Commission Chairman Thomas A. Beilein, and pursuant to subdivisions (3) and (7) of Correction Law section 45, I was commissioned to visit, inspect, appraise and monitor the Erie County Holding Center from June 23 to June 26, 2009, July 5 to July 7, 2009, and September 16 to 17, 2009.
3. While in the Alpha Long and Alpha Short housing units of the Erie County Holding Center on June 26, 2009, I personally observed that inmates assigned to such units were not issued a towel, toothbrush, toothpaste or a full complement of sheets.
4. On July 6, 2006, while in the Bravo Constant Observation Dormitory of the Erie County Holding Center, your deponent personally observed that inmate Wesley Bennett was not issued a pillow.
5. On July 6, 2009, Erie County Deputy Ralph Colucci advised your deponent that unarraigned inmates were issued different bedrolls than committed inmates. Deputy Colucci explained that unarraigned inmates were only issued a bedroll containing a blanket and one sheet, as they would only be in the facility for a couple of hours.
6. From June 23 to June 25, 2009, I undertook a review of the Erie County Holding Center's

records regarding inmate discipline and administrative segregation pending discipline. Such records are maintained in both the Holding Center's inmate classification office and Deputy Superintendent Barbara Leary's office.

7. My review of such records revealed no evidence or substantiation that Holding Center inmates who are administratively segregated pending a disciplinary hearing receive an "Administrative Segregation Order-Keep Lock Pending Discipline Hearing," nor any other written statement setting forth the reasons for such confinement. The review further revealed no evidence or substantiation that inmates are provided an opportunity to respond to any such order, nor record of any such response by an inmate.
8. During such review of the Holding Center's inmate disciplinary records on June 23, 2009, I received from Deputy Superintendent Barbara Leary an "Administrative Segregation Order-Keeplock Pending Discipline Hearing" record for inmate Terry Weilbon, wherein the initial determination was recorded at 09:55 on June 20, 2009. Upon receipt of such record on June 23, 2009, there was no written indication of a review or determination by the chief administrative officer.
9. On September 16, 2009, at approximately 3:00 p.m., Erin Purdy and I toured the Delta housing unit of the Erie County Holding Center. Each of the four (4) inmates detained therein was asked if they had been issued an inmate handbook upon admission. All four inmates answered that they had not. An examination of each inmate's tote/property bin and a visual inspection of their cells did not reveal the presence of a handbook.
10. On September 16, 2009, at approximately 3:10 p.m., Erin Purdy and I toured the Charlie housing unit of the Erie County Holding Center. Each of the four (4) inmates detained therein was asked if they had been issued an inmate handbook upon admission. All four inmates answered that they had not. An examination of each inmate's tote/property bin and a visual inspection of their cells did not reveal the presence of a handbook.
11. On September 16, 2009, at approximately 3:45 p.m., Erin Purdy and I toured the Bravo housing unit of the Erie County Holding Center. Each of the four (4) inmates detained therein was asked if they had been issued an inmate handbook upon admission. All but one (1) of the four inmates answered that they had not. An examination of the remaining three (3) inmate's tote/property bins and a visual inspection of their cells did not reveal the presence of a handbook.
12. On September 16, 2009, at approximately 4:00 p.m., Erin Purdy and I toured the Alpha Dorm housing unit of the Erie County Holding Center. Each of the two (2) inmates detained therein was asked if they had been issued an inmate handbook upon admission. Both inmates answered that they had not. An examination of each inmate's tote/property bin and a visual inspection of their cells did not reveal the presence of a handbook.
13. On September 16, 2009, at approximately 4:15 p.m., Erin Purdy and I toured the Alpha Long

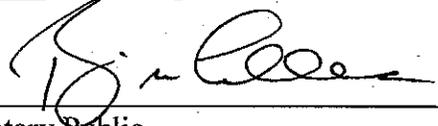
housing unit of the Erie County Holding Center. Four (4) inmates detained therein were asked if they had been issued an inmate handbook upon admission. All four inmates answered that they had not. An additional inmate on the unit appeared to be incoherent, and was therefore not questioned. A visual inspection of each inmate's cell did not reveal the presence of a handbook.

Dated: September 17, 2009
Albany, New York



CYNTHIA DIAZ

Sworn to before me this
17th day of September, 2009.



Notary Public

BRIAN M. CALLAHAN
Notary Public, State of New York
Qualified in Schenectady County
No. 6003133
Commission Expires Feb. 23, 2010

10/25/01 pg 3 of logbook ⁵⁰⁰ secured by Blaney

BRAND CONSTANT OBSERVATION

- * NO EXTRA BLANKETS (UNLESS OK'D BY MEDICAL)
- * ALL I/M'S ASSIGNED TO CONSTAUNT OBSERVATION'S MUST HAVE A SUICIDAL INMATE NOTIFICATION SHEET AND A ADMINISTRATIVE HEARING RECORD SHEET.
- * MAKE SURE ALL I/M'S ARE SUPPLIED WITH ① BLANKET, ② SHEETS, ① PILLOW, ① ALLOW CASE, ① DRINKING CUP AND FOOTWEAR.
- * I/M'S WEAR ORANGE V-NECKS + PANTS.
- * ALL CONTENTS OF EVERY FOOD TRAY MUST BE ACCOUNTED FOR PRIOR TO AND AFTER EVERY MEAL, AS PER LT. WEBSTER. NO FOOD OR UTENSILS TO REMAIN.
- * ~~I/M'S ARE TO REMAIN ON THEIR BUNKS AT ALL TIMES, EXCEPT WHEN EATING, USING THE TOILET OR SHOWERING.~~ NO ^{Suit Keylock} PROPERTY FOR I/M'S TO BE STORED IN PLASTIC TOTE BINS LOCATED IN DEPUTY RUNWAY. THIS INCLUDES COMMISSARY, TOOTH BRUSH, TOOTH PASTE & TOWEL. NOTHING TO BE LEFT IN UNIT.
- * WHEN I/M'S A/P TO NEW UNIT, MAKE SURE I/M'S TAKE ALL BELONGINGS, AND DEPUTY TO SEND SUICIDE SHEET AND ADMIN. HEARING REC. SHEET TO DELTA CONSTANT. OBS.
- * ALL I/M'S ARE DEPUTY ESCORT.
- * ALL I/M'S MUST HAVE ID BANDS WITH PLASTIC TABS ONLY - NO METAL *

Blaney
Blaney
Blaney

1/1M Phone Calls - allowed, not excessive
 1/1M Recreation - must log accepted/rejected
 1/1M Library

ERIE COUNTY SHERIFF'S OFFICE
JAIL MANAGEMENT DIVISION

Pg. 3
CASH BOOK
[Signature]

TO: ~~Sgt Webster~~

SUPT.: _____ DEP. SUPT.: _____
LIEUTENANT (SERGEANT): Webster CLERK: _____
CHAPLAIN: _____ SPECIAL SERVICE OFFICER: _____
NOTARY: _____ CLINIC: _____
PRE-TRIAL: _____ OTHER (SPECIFY): _____

DATE: 6/23/09 2009 TIME: 11:00 AM/PM HOUSING UNIT: F-East

DEPUTY SIGNATURE: *[Signature]* BADGE NO.: 530

INMATE'S NAME: Ryan Buckajszewski CELL #: 32

ICN#: 106787

REQUEST: Can we please have tooth brushes and tooth paste as soon as possible. It is difficult to keep up the personal hygiene without it. Pillows as well!
Thank You!

X [Signature] X [Signature]
X [Signature] X [Signature]
X [Signature] X [Signature]

DISPOSITION: _____
BUY THEM OR COMPLAIN!
PILLOWS ALREADY OFFERED
ON 6/20/09
[Signature] 6/24/09

IF YOU WISH TO FILE A GRIEVANCE,
PLEASE REFER TO THE INMATE HANDBOOK
ON PROPER PROCEDURE TO FILE.

**ERIE COUNTY SHERIFF'S OFFICE
JAIL MANAGEMENT DIVISION**

Inmate Handbook



**TIMOTHY B. HOWARD
SHERIFF**

**RICHARD DONOVAN
Undersheriff**

**BRIAN D. DOYLE
Undersheriff**

**Donald J. Livingston
Superintendent**

Barbara B. Leary
1st Deputy Superintendent

Robert A. Koch
1st Deputy Superintendent

**Erie County Holding Center
40 Delaware Avenue, Buffalo, New York 14202**

Rev. November 2008

NOTICE TO ALL INMATES

This handbook is provided for your benefit while you are in the Erie County Holding Center. It explains:

- your rights & privileges
- services & programs available to you
- rules & regulations
- conduct expected from you while you are here.

PLEASE READ THIS BOOK THOROUGHLY

Services, schedules, and programs outlined in this book are subject to change due to facility conditions. You will be advised of any such changes.

All inmates must be afforded the rights guaranteed them by the Constitution of the United States and those that are mandated by the New York State Commission of Correction's Minimum Standards.

Rights, which are granted to you, as an inmate, include but are not limited to, the following:

- The **right** to be informed of the rules, procedures, and schedules of the facility as they pertain to your needs.
- The **right** to freedom of religious affiliation and worship thereof.
- The **right** to health care, including nutritious meals, bedding, clothing, and linen, the opportunity to shower daily, a regular exercise period, and medical and dental treatment.
- The **right** to present your views to the public via the media.
- The **right** to visit and correspond with your family and friends.
- The **right**, upon admission to the facility, to make telephone contact with your attorney or family members.
- The **right** to recreation.
- The **right** to access the law library.

NOTE: ANY OF THE ABOVE RIGHTS MAY BE RESTRICTED IF THEY BECOME UNDULY DISRUPTIVE TO THE SAFETY, SECURITY, OR GOOD ORDER OF THE FACILITY.

INMATE PRIVILEGES:

A privilege is an opportunity which may be extended, abridged or revoked at any time. The Superintendent and the Deputy Superintendents have the responsibility of determining the extent and nature of inmate privileges. No employee, at any time, may grant an inmate special privileges. Officers may not prevent inmate access to privileges unless it is accomplished through proper disciplinary procedures.

Privileges that are granted to you as an inmate include, but are not limited to, the following:

- the **privilege** to order commissary
- the **privilege** to watch television
- the **privilege** of receiving a daily housing area newspaper free of cost. Should a newspaper be used for any other purpose other than what it is intended for, the privilege will be revoked for the entire unit. Channel changers are not allowed and are considered contraband.

INMATE REQUEST SLIP:

This is a three-part NCR (no carbon required) form, which you are to use if you have questions concerning programs, charges, accounts, etc., which cannot be answered by the Housing Area Officer. You are to fill out the request in the space marked, "Request." The space marked, "Disposition" is for the response to your request.

Be brief and to the point in your request. If you have any questions regarding the use of this form, ask your Housing Area Officer. Once completed, your Housing Area Officer will read the request and ensure that it is going to the proper person, initial same, and complete the date and time. You will receive the pink copy of this form for your records and the white and yellow copies will be forwarded for response. Once answered, you will receive the yellow copy back with the answer to your request.

INMATE HOUSING:

The Erie County Holding Center is made up of two different types of housing areas-Linear and Podular. You will be assigned to a housing unit based on your "Classification"

- Podular** housing areas are made up of individual housing units, which share a common day room area.
Linear housing areas are the traditional "jail cell" design.

CLASSIFICATION:

Within 5 days of admission, you will be assigned to a housing area. Classification is the process utilized to determine your housing assignment and is based upon:

- your institutional behavior, both past and present
- your medical and/or psychiatric evaluation
- your ability to understand and obey Holding Center Rules & Regulations
- your ability to get along with others - both staff & other inmates
- Availability of housing space.

PERSONAL HYGIENE:

It is important for your health and well being that you keep yourself clean. You are required to shower upon admittance to the Holding Center, and to maintain your personal cleanliness daily. Shower facilities are provided for all inmates. You are also required to keep the shower area clean and to take your soap out of the shower with you when done. You will be issued a personal hygiene package and a drinking cup upon admission to the Holding Center. All inmates regardless of indigent status are entitled to a toothbrush and toothpaste. After the initial issue, exchange requests for a toothbrush and/or toothpaste will be granted on a weekly basis providing used items are turned into the housing unit Officer.

Shaving: Holding Center- Each evening, a list will be taken of those inmates wishing to shave. Razors will be made available after breakfast the following morning. You must be awake and prepared to shave when your name is called. You will have two (2) minutes to shave and be supervised by a deputy while shaving. You may not tamper with the razor in any way, attempt to conceal the razor or pass the razor to another inmate. You must immediately surrender the razor when ordered to do so. Any violation will be considered a major security violation and may result in disciplinary charges, criminal charges and/or restrictions on your use of a razor.

CLOTHING:

You will be issued facility clothing and linen when you are admitted into the Holding Center (two pairs of pants, one T-shirt, and one v-neck shirt). You must wear this clothing at all times, except when you are in the shower or sleeping. You will be held responsible for damaged or missing clothing issued to you. A clothing change will be made in the housing area on a weekly basis. Facility socks and underwear are available upon request.

Your personal clothing will be held in storage and you will receive a receipt. If you wish to have your personal clothing picked up by your family, consult with the Officer assigned to your housing area for the correct procedure to be followed. Clothing for court appearances will be accepted into the facility only if exchanged for a set of clothing already in property storage.

Clothing can be dropped off and dirty laundry picked up at the following times:

Monday through Friday:

07:00 a.m. to 11:15 a.m.
12:30 p.m. to 2:15 p.m.

Saturday and Sunday:

7:00 a.m. to 11:15 a.m.
12:30 p.m. to 2:15 p.m.

3:00 p.m. to 5:15 p.m.
6:30 p.m. to 7:30 p.m.

ALLOWABLE PROPERTY:

- 6 pair of socks (white)
- 6 T-shirts (white, no logos, lettering, no pockets)
- 6 pair of underwear-briefs/boxers (must be white)
- 6 bras (no bones or underwires)

Books: religious/educational in paperback form only directly from the publisher

The following property **WILL NOT BE ACCEPTED BY THE FACILITY:**

NO SNEAKERS will be accepted

NO sweatsuits, jogging suits, pajamas, robes, belts, boots, sandals, or any other items except those listed above.

NO Magazines (except as prescribed below)

NO Newspapers (except as prescribed below)

NO Books (except as prescribed below)

NOTE: Printed material (magazines, newspapers and books) will only be accepted via U.S. Mail directly from the publisher. These items may only be possessed by the inmate to whom they were sent.

ALLOWABLE COURT CLOTHING:

ONE outfit will be allowed for court (if on trial, two will be accepted). This outfit includes pants (no metal decorations), shirt (no logos or hoods), a dress, or a two or three-piece suit. If any inmate wants to change court clothing, arrangements must be made with your family/friends to pick up the court clothing already stored in your clothing bag. Jackets or coats will only be accepted during the months of October through March.

The clothing bags are inventoried once per month and a notice will be issued to any inmate with excess property. You will have 20 days from the date of the notice to make arrangements to have someone pick up the excess clothing. If you have no one to pick up the clothing, you will have 20 days to mail out the clothing.

If you have any problems with this property pick up, write to the Officer in the Linen Room via request slip. If you do not contact the Linen Room Officer and you exceed the 20-day limit, the clothing will be donated to the Salvation Army or other charitable organization.

STATE-READY INMATES:

Those inmates sentenced to serve state time will be subject to State Correctional Regulations concerning property. The State will only accept the following property with an inmate:

Books: only legal or religious

Religious Articles: beads, Kufi, Yarmulke, religious medals or chains (not to exceed \$50 in value, and no stones can exceed 2" in diameter), prayer robe and guthra, prayer rug, Talit, Talit Katan, Tefillin.

Jewelry: watches, wedding bands - no single piece of jewelry can exceed \$50 in value. No stones or protrusions.

Legal Work: legal paperwork and documents.

YOU WILL NOT BE PERMITTED TO TRANSFER CLOTHING, PROPERTY, OR MONEY TO ANOTHER INMATE.

Any money or property left at the Erie County Holding Center for more than thirty (30) days after your release/ transfer will be disposed of as follows:

- 1) Property: clothing, jewelry, etc. will be donated to one or more charitable organizations.
- 2) Money: turned over to the Erie County Comptroller's Office in your name.

Therefore, if you are sentenced to the New York State Department of Corrections, have your family or friends pick up your property or mail it to them at your expense prior to your transfer.

PERSONAL PROPERTY

You **will not** be permitted to keep any cash or valuable articles in your possession in your housing area. When you are admitted to the Holding Center your personal property will be inventoried and you will be given a receipt for it.

NOTE: Due to security concerns, you will not be allowed to wear a medallion, metal or wooden cross (crucifix) or metal chain in the facility. If you desire or need to wear this religious symbol, contact the chaplain of your faith (Catholic, Protestant, and Muslim) in the facility and one will be provided for you at facility expense. Your personal cross or medallion will be placed in your property and you will be given a receipt for it.

Wedding bands must be plain - no stones, no protrusions. No other jewelry (watches, rings, earrings, necklaces, bracelets) will be allowed to be worn or in your possession while you are in the facility.

PROPERTY

Once arrested, any property in your possession at the time of your arrest will be inventoried and receipted by the arresting Law Enforcement Agency and the Erie County Holding Center Reception Officer. If you are released from Court after your arraignment, you may pick up your property at the Erie County Holding Center at 40 Delaware. If you have been sentenced to the ECCF, your property will follow you to the ECCF.

Any money in your possession at the time of arrest will be receipted and placed into your commissary account.

At no time will any money from your account be released to anyone outside of the Holding Center unless authorized by the Superintendent.

The only property accepted at the Erie County Holding Center must fit inside a property envelope (approximately 9 x 12 inches). Any items which do not fit into that envelope will be returned to the arresting Law Enforcement Agency.

You must make arrangements with family or friends to pick up that property from the arresting Law Enforcement Agency. The Holding Center is **NOT** responsible for those items which did not fit into the property envelope.

MAIL:

Mail will be delivered once per day, five days per week. No mail will be received on Saturdays, Sundays, or holidays. You are entitled to correspond with any person when in the Holding Center. There is no restriction on the amount of mail you can receive or send.

INCOMING MAIL:

ALL incoming mail will be opened and inspected to ensure the absence of contraband. No mail will be read or censored (to censor means to withhold or delete any or all of the contents of a letter). If the Superintendent has reasonable suspicion that any incoming mail may contain contraband, which is either of a criminal nature or considered a threat to the safety and security of the facility or persons therein, it may be read. In all such cases, both the sender and the receiver of the correspondence will be notified of the Superintendent's decision and will be given an opportunity to appeal this decision, in writing.

Incoming correspondence from attorneys, legal assistance agencies, and courts will be considered legal mail. Such mail will be opened **only** in the presence of the recipient inmate to ensure the absence of contraband.

THE FOLLOWING ITEMS WILL NOT BE ACCEPTED INTO THE FACILITY:

Money (cash), personal checks, NON-U.S. Postal Money Orders, nude personal photographs, musical greeting cards, oversized greeting cards, plastic-type cards, telephone calling cards, personal identification cards, sonograms (plastic x-ray type), Polaroid's (whole or altered), more than ten (10) photographs, medicine, personal hygiene items such as deodorant, hair products, combs, brushes, toothpaste, tooth-brush, shampoo, soap, washcloths, towels, cosmetics, metal or wooden crosses, chains, necklaces, medallions, rings, watches, bracelets, stamps, writing paper, envelopes, pens, pencils, crayons, colored pencils, pantyhose, metal objects, plastic objects, glue substances, decals, stickers, artwork: beaded, painted, glued, stringed, etc., belts, food items, candy, cologne or perfume, cassette tapes, electrical items such as radios, tape players, televisions, lottery tickets, hair, tobacco products.

IN OTHER WORDS, any item which can be purchased on the inmate commissary and which is sent through the U.S. Mail will be considered contraband and will be returned to sender at **their** expense. Save your family/friends time and money and abide by the rules. At no time are exceptions made.

Mail should be addressed to you as follows:

Your name and ICN #
(on your bracelet)
Erie County Holding Center
40 Delaware Avenue
Buffalo, NY 14202

It is **your** responsibility to notify anyone sending you mail to use the name you are **currently using**. We

are not responsible for mail sent to you under an AKA (alias). If you have a common name, such as Jones, Smith, Williams, etc., to avoid confusion, notify anyone who might write to you to use your date of birth or ICN number on the envelope. This will allow us to correctly identify the correct recipient of the mail. If we are unable to determine the correct person to whom the mail is intended, we will return it to sender until such time as your date of birth or ICN number is included on the envelope. Do not use your housing area/unit number as identification.

IF YOU LEAVE THIS FACILITY, WE ARE NOT RESPONSIBLE FOR FORWARDING YOUR MAIL. MAIL WILL BE RETURNED TO SENDER IF YOU ARE NO LONGER IN OUR CUSTODY. ALSO, DO NOT CALL AFTER YOU ARE RELEASED AND ASK US TO HOLD MAIL FOR YOU TO PICK UP.

Deposits into your inmate account may be made in person using cash or U.S. Postal Money Orders only.

Deposits made via the U.S. mail must be in the form of a United States Postal Service money order. No cash, checks, or any other form of deposit will be accepted.

OUTGOING MAIL:

All outgoing mail **must have your return address and ICN# in the upper left-hand corner**. If you do not include your name, ICN# and return address on the envelope and the mail is returned to sender, it will end up in the dead letter file in the U.S. Post Office. Additionally, do not attempt to send mail to anyone in the facility without using a meter-stamped envelope; we will not accept any such letters and the letters will also end up in the dead letter file in the Post Office.

A locked mailbox, for outgoing mail, will be brought to your housing area once a day on the 3-11 shift. You will be responsible for placing your mail in the mailbox. **AT NO TIME WILL YOU BE PERMITTED TO GIVE YOUR MAIL TO ANY OFFICER TO MAIL FOR YOU.**

All indigent inmates that submit a combo request will be provided with two stamped envelopes and writing paper (combos) once per week at facility expense. Additional writing materials and stamped envelopes can be purchased on the inmate commissary.

REQUEST FOR A MONEY ORDER:

Money order service is available to you at anytime for the following needs: bail purposes, legal fees, and court fees. The money order must be in the name and address of the legal entity (Attorney's Name, Township/City Name, etc.) and the envelope must be addressed to said entity.

ADDITIONAL POSTAGE

Any mail item requiring additional postage must be sent through the law library. You must submit a request to the law library and bring your additional postage mail item (oversized, certified, return receipt, etc.) with you to the law library. The law library Officer will compile the additional postage calculation and charge your account accordingly. Additional postage items will be sent through the U.S. Post Office following the **OUTGOING MAIL** procedures stated above via the Law Library Mailbox.

PACKAGES:

Any inmate wanting to receive a package from family/friends must receive the prior approval of the Superintendent. To do so, you must submit a request slip to the Superintendent stating the specific items being sent and from whom (include address of sender). Only those items that are acceptable in your housing unit will be permitted to be sent to you in a package. Also, those items listed as unacceptable in incoming mail are also unacceptable in packages.

Any inmate wishing to send their property out to family/friends will do so at their own expense. You will be provided with a box and will be required to pack your outgoing property in the presence of a facility staff member.

MONEY:

If your family or friends wish to provide money for you while you are in the Holding Center, they may deposit

it at the Cashier's Window located on the first floor near the Delaware Avenue entrance, during the hours specified below:

Monday through Friday:

7:00 a.m. to 11:15 a.m.
12:30 p.m. to 2:15 p.m.
3:00 p.m. to 5:15 p.m.
6:30 p.m. to 7:30 p.m.

Saturday and Sunday

7:00 a.m. to 11:15 a.m.
12:30 p.m. to 2:15 p.m.

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NOTE: In accordance with policy established by the U.S. Marshals Service, any inmate being held in the Holding Center for the U.S. Marshals **will not be allowed** to have more than \$50 in their account at any time.

CASH BAILS WILL BE ACCEPTED FOR THE CITY, TOWNS, AND VILLAGE COURTS 24 HOURS PER DAY, 7 DAYS A WEEK.

NEWSPAPERS:

The Buffalo News will be provided, at facility expense, in all housing areas. However, as the provision of a newspaper at facility expense is a privilege, those inmates in disciplinary segregation are not provided with a facility-issued newspaper. Newspapers are for reading purposes only. Failure to follow this rule will result in removal of newspapers from the unit. If you wish to have a newspaper of your own, it will be up to you to contact the publisher to make arrangements for your own subscription to be delivered through the U.S. Mail.

TELEPHONES:

You will be allowed access to a telephone when admitted to the Holding Center to make contact with your attorney, family, or friend. "Collect Only" telephones are available for your use in housing areas at the following times:

9:00 a.m. to 12:00 noon
1:00 p.m. to 2:45 p.m.
4:00 p.m. to 5:00 p.m.
7:00 p.m. to 11:00 p.m.

ALL CALLS ARE SUBJECT TO MONITORING AND/OR RECORDING.

THIRD PARTY CALLS AND CREDIT CARD CALLS ARE NOT AUTHORIZED FOR THE TELEPHONES IN THE HOLDING CENTER. Therefore, any attempt to use either may result in a temporary lapse in service on the telephone used.

To make calls from this facility:

1. Pick up the phone; dial 1 for English, 2 for Spanish.
2. For all USA calls dial 0+ Area Code + your number.
3. After the call is connected, a message will be played telling the called party that the call is coming from an inmate at the Erie County Holding Center, warning them not to use any custom calling features or they will be disconnected.
4. To insure your call is complete, follow the instructions on "HOW TO AVOID BEING DISCONNECTED"
5. To accept calls from this facility, the party you are calling must have a touch-tone phone. If they have a rotary phone, please call 1-800-610-7079.

HOW TO AVOID DISCONNECTION

Failure to comply with the following could cause calls from inmates to be disconnected:

1. **DON'T** attempt to make a 3-way call.
 2. **DON'T** try to transfer the call.
 3. **DON'T** put the inmate on hold.
 4. **DON'T** use or answer call waiting.
 5. **DON'T** use cellular phones.
 6. **DON'T** use cordless phones.
 7. **DON'T** press numbers on the touch-tone pad during the call (on the inmate or called phone).
 8. **DON'T** stop the conversation for any length of time, even short pauses may result in disconnect.
- Once a number has been blocked, only the person the telephone is listed to may un-block the number by calling 1-888-288-9879.

A telephone is available in the event of a verifiable emergency (death in the immediate family; immediate family member in hospital). These calls are for the local area only and at the discretion of the shift supervisor. You are to complete a request slip and forward it to the attention of a shift supervisor with the name of the party to be called and the reason for the request.

AT NO TIME WILL WE ACCEPT TELEPHONE CALLS OR MESSAGES FOR ANY INMATE HOUSED IN THE ERIE COUNTY HOLDING CENTER.

Be courteous when talking with the telephone operators and be considerate of other inmates in your housing area waiting to use the telephone. There is a 15-minute time limit for each call.

AMERICANS WITH DISABILITIES POLICY:

Provisions are in place to ensure that reasonable accommodations are made within the framework of the Americans with Disabilities Act. In order to provide housing, access to programs, personal hygiene assistance, fair and equitable disciplinary proceedings, medical services and an outlet for grievances for inmates with physical disabilities, provisions will be made for any inmate with a verified disability, on an individual basis, in accordance with their specific needs.

For the hearing and or speech impaired, podular housing with audible and visual emergency alarms, TDD telephone system and televisions with close caption capabilities are available. Sign interpreters will be provided, upon inmate request, during disciplinary hearings, medical treatment, inmate grievance proceedings, booking, and classification or for those instances where an inmate's rights must be protected in accordance with the Americans with Disabilities Act. Additional reasonable accommodations will be made for any inmate with a verifiable disability in accordance with their specific needs. To access services under the ADA Policy, inmates must request through the ADA Coordinator, consideration for their specific needs. Any questions should also be forwarded to the ADA Coordinator.

TDD TELEPHONE SYSTEM

A TDD telephone system has been installed for those inmates who are hearing impaired and/or speech impaired. The hours for use of this keyboard telephone are from 9:00 am to 11:00 am and from 6:30 p.m. to 10:30 p.m. Schedules for use of this telephone may vary due to facility operations.

TELEVISION:

Televisions, with close caption capabilities, have been provided in all housing areas within the facility. When the housing area is clean, normal hours of operation will be from 9:00 am to 10:45p.m. Any tampering with the television sets, including the cable connection, may result in suspension of television privileges in that housing area.

CHANNEL CHANGERS ARE CONSIDERED CONTRABAND AND ARE NOT ALLOWED. Possession of a channel changer will result in disciplinary charges filed as well as removal of newspaper delivery for that unit or side.

COMMISSARY:

A commissary service is available to all inmates housed in the Erie County Holding Center who have money in their accounts. Guidelines for ordering and receiving commissary:

- 1). Commissary ordering days will be Sundays, and Wednesdays. You will receive your orders on Mondays and Thursdays on the 3-11 shift. **Microwaves are not available in all living units therefore do not order items which require a microwave if one is not available on your housing unit.**
- 2). Your order will arrive pre-bagged with your receipt attached. After checking your order, you will be required to sign this receipt acknowledging that you have received your order and that it is correct. You will receive the copy of this form and the Officer will keep the signed original. Also on this receipt is the current balance of funds left in your account.
- 3). Inmates in "keep-lock" status will only be allowed to order personal hygiene items and writing materials. Inmates in "keep-lock" status must utilize the special **KEEP-LOCK COMMISSARY ORDER FORM.**
- 4). There is a **\$30 limit** per commissary order.
- 5). Your account will be checked to make sure that you have enough money to cover your order. If you do not have enough money to cover your order, your entire order may be cancelled.
- 6). Commissary items and/or prices may change. If so, you will be notified.
- 7). If there is a mistake in your order, you will have to wait until the next business day for it to be corrected.

- 8). If you have any questions concerning the money you have in your account, send a request slip to the records area with your questions. Do not ask your housing area Officer to call records for an account balance.
- 9). Combos (2 stamped envelopes and 2 sheets of paper) will be available for indigent inmates only. In order to receive a combo package, inmates must submit a combo request form. Your account will be checked, and if you are indigent, you will receive a combo on that Thursday. Request form must be submitted by Tuesday to ensure timely delivery of your combo package.

ERIE COUNTY HOLDING CENTER SERVICES

MEDICAL

A medical care provider is available seven nights per week, beginning at approximately 6:30 each evening. Inmates are scheduled and seen by this medical care provider through "Sick Call". Sick call is available to all inmates housed in the Erie County Holding Center.

Sick call on Saturday, Sunday and holidays is limited to emergencies and new admissions only. Regular sick call is held Monday through Friday. If you have a medical problem and feel you need to see the medical care provider on regular sick call, the Officer in your housing area will take a list before lunch. You must give the Officer your name, ICN#, your housing unit number, and the nature of your medical problem. Be specific as the medical staff screens the list to ensure that those inmates who must be seen by the medical care provider due to the severity of their medical problem(s) are seen. All inmates will be seen according to the severity of their condition. You will be scheduled to see a medical care provider as your condition dictates. In order to ensure that all inmates have an opportunity to see the medical care provider, your housing areas have a pre-scheduled day for sick call. See your housing Deputy for further information. Should an emergency arise after sick call requests have been taken, notify your housing officer immediately.

MEDICATIONS:

Morning medications are delivered to the housing areas beginning at 8:30 am. If you are to receive a medication, it will be your responsibility to ensure that you are up at that time or respond to the Officer/nurse when your name is called.

MEDICATIONS WILL NOT BE LEFT ON THE BARS, PODS OR WITH YOUR OFFICER.

When your name is called to receive medication(s), you must report to the Officer/Nurse passing the medications fully clothed and with a glass of water as you must take your medications in front of the person delivering them.

If you are at court, clinic, etc., when the medications are delivered, inform the Officer in your housing area. If you have any questions regarding your medications, the Medical Department is to be contacted, via request slip. If it is of an emergency nature, the housing area Officer will contact the Medical Department. The Nurse passing medications is not able to answer medical/medication questions while delivering medications. If you refuse medications that have been ordered for you, you will be expected to sign a refusal form.

If you are called to medical to be seen by a medical care provider, you must go to the infirmary when called; if you refuse treatment, you must sign a refusal for treatment form **IN THE MEDICAL OFFICE.**

DENTAL:

A dentist will be on duty in the Holding Center on Wednesday and Friday mornings. The Holding Center Dental Clinic was designed and set up for emergency dental care in order to alleviate any facial or dental discomfort an inmate may be experiencing. A nurse will first see inmates with dental problems during daily sick call hours. If there is an acute emergency, inform your housing area Officer and the medical department will be contacted.

NOTE: As the dentist is only in the facility on a limited basis, the wait for routine dental problems may be lengthy. Emergencies take precedence.

MARRIAGES:

Inmates wishing to marry must comply with Holding Center rules, as follows:

Inmates may submit a written request to the superintendent seeking permission to get married. The authority to grant permission rests solely with the Superintendent. Requests from inmates when the inmate or intended spouse is less than 18 years old, not a U.S. Citizen, sentenced, state ready, on parole or a parole violator, facing sex offense charges, domestic violence charges or is federal prisoner will not be considered.

An Inmate Marriage Request Form is available from your housing area deputy. You must fill it out completely, including the name, address & telephone number of an ordained minister or public official legally authorized to perform marriages in New York State that has agreed to consider presiding over your marriage.

You will be required to attend at least three (3) monthly premarital counseling sessions and any additional sessions that the minister or presiding official feels necessary. You, you intended spouse and the presiding official must conduct yourselves appropriately during these sessions. You will be held accountable for any violation of laws or rules and any such violations may result in the revocation of your permission to get married.

Upon successful completion of premarital counseling, you and your intended spouse are responsible for securing a marriage license. Once the marriage license is received, contact your presiding official who will contact the Superintendent to schedule the wedding. You, your intended spouse, the presiding official and official witnesses provided by the facility will be the only people in attendance. Upon completion of the ceremony, the only physical contact permitted is a brief kiss and embrace. Improper conduct of any kind will result in your ceremony being cancelled and the appropriate disciplinary or criminal charges being filed.

RELIGION:

The Erie County Holding Center provides religious services for the Catholic, Muslim, and Protestant Faiths. Chaplains of each of these listed faiths are on staff and available for consultation via request slip. If you are a member of a religion other than those listed above and this religion is of a recognized community standard, send a request slip to the Superintendent's Office and every effort will be made to ensure that your religious tenets are met.

If you wish to change your religious denomination, send a request slip to the Chaplain of the religion you want to join. The Chaplain will read your slips and if he/she approves the change, you will be allowed to attend services for that religion in the future.

SCHEDULE OF RELIGIOUS SERVICES:

Protestant: Sunday mornings beginning at 8:00 am.

Catholic: Saturday evenings beginning at 7:00 p.m.

Muslim: Friday afternoons beginning at 1:00 p.m.

To attend your service, you must sign up when the Officer compiles the list for that service (usually done the evening before the scheduled service). Late add-ons will not be allowed. When you attend a service, you must be quiet and respectful of the rights of others to worship. Unruly behavior may result in your ejection from the service.

LIBRARY:

A library has been established for the inmates while in the Holding Center. If you choose to use the library, the following rules must be obeyed:

- 1). You will attend on those days when your housing area is scheduled.
- 2). You must conduct yourself in an orderly manner and be respectful of others using the library. If you do not, your library *privileges* may be suspended.
- 3). You will be required to sign for any library books you take. Your name and ICN will be used as identification. All books will have a due date for their return and you will be required to either return or renew these books on your next visit to the library. You will not be allowed to borrow additional books until the books currently borrowed are returned or renewed. Take care of the books in your possession and let others enjoy them too.
- 4). You will be held responsible for any book that is damaged or lost while signed out in your name.
- 5). When you are released or transferred from the Holding Center, books must be returned to the library via the library cart in the linen room area.

RECREATION/EXERCISE:

All inmates in the facility will receive recreation daily. Activities include basketball, volleyball, weights, jogging, pool table, etc. Weather conditions or facility operations may change recreation schedules. You will be so notified.

NOTICE: WHEN AN INCIDENT IS TAKING PLACE IN RECREATION, THE OFFICERS ASSIGNED TO THE AREA WILL INSTRUCT ALL INMATES TO STOP ALL ACTIVITY AND LINE UP AGAINST THE WALL. WHEN SO ORDERED, ALL INMATES ARE REQUIRED TO PUT DOWN ALL RECREATION EQUIPMENT, BACK AWAY

FROM THE INCIDENT, AND LINE UP AGAINST THE WALL AS INDICATED BY THE OFFICER.

IF YOU ARE NOT INVOLVED **STAY OUT OF IT!!!** ANY INMATE WHO BECOMES INVOLVED IN ANY INCIDENT IN ANY WAY OR FAILS TO OBEY THE OFFICER'S ORDER, WILL BE SUBJECT TO DISCIPLINARY ACTION WHICH MAY INCLUDE THE RESTRICTION OF YOUR RECREATIONAL PRIVILEGES TO THE STATUS OF KEEP-LOCK RECREATION FOR A PERIOD OF UP TO 30 DAYS DEPENDING ON YOUR INVOLVEMENT.

MEALS:

You will receive three wholesome, nutritionally balanced meals per day. The meal schedule is as follows:

Breakfast begins at 5:00 a.m.

Lunch begins at 11:00 a.m.

Dinner begins at 4:30 p.m.

Each inmate must personally take his or her own trays. If you have another inmate take your meal for you, you may lose your meal.

SPECIAL DIETS:

The only special diets recognized are those for either medical or religious reasons. To obtain a **religious** diet, you must send a request slip to the Chaplain of your faith. If he/she approves such a diet, you will be given same. The diet will be as close as possible to the meal being served the general inmate population with your religious needs met. To obtain a **medical** diet, you must first be seen on sick call by the facility physician. If approved, you will receive the recommended diet. We do not serve vegetarian meals because you choose not to eat meat.

VISITING:

Due to the introduction of contraband through visits, all visiting rules and regulations will be strictly enforced. All visits will be contact visits unless otherwise specified. Each inmate will be allowed two hours of visiting time per week.

VISITING SCHEDULE:

Visiting will be conducted Saturday through Wednesday from 7:00a.m. - 11:45 a.m. and 1:00 p.m. to 2:30 p.m. Visitor sign-up times are at 7:00 a.m. to 11:15a.m. and 12:30 p.m. to 2:00 p.m. All visitors must be signed in by 11:15 am and 2:00 p.m. for each visiting session. The building closes at 11:15 a.m. for the morning session and at 2:00 p.m. for the afternoon session. All visitors will be required to exit the facility at these times.

ANY VIOLATION (S) OF THE FOLLOWING RULES AND REGULATIONS WILL RESULT IN AN IMMEDIATE TERMINATION OF YOUR VISIT AND DISCIPLINARY ACTION.

VISITING RULES AND REGULATIONS:

- 1). Any order given to you by an Officer in the Visiting Room will be obeyed immediately and without question.
- 2). All inmates entering and exiting the visiting room will be required to walk along the wall to their designated visiting table.
- 3). You may briefly kiss your visitor at the start and end of your visit.
- 4). Hands will remain on top of the table and feet will remain on the floor.
- 5). Visitors will not be allowed to loiter on the premises of 10 Delaware and/or 40 Delaware. Additionally, any visitor found shouting or gesturing to any inmate in the facility will forfeit their visit.
- 6). Indecent exposure is strictly prohibited. If a visitor is found exposing any body parts, his/her visits may be suspended for a determined period of time.
- 7). No passing of any item between visitor and inmate or between inmate and visitor will be allowed. If any person is found passing contraband of any type, criminal charges will be filed if the contraband is of a criminal nature or if not of a criminal nature, visiting privileges may be suspended or restricted to non-contact visits.
- 8). As this is a smoke-free facility, no smoking will be allowed on the premises of the facility.
- 9). No cross visiting will be allowed between tables.
- 10). Neither inmates nor visitors will be allowed to bring any items into the visiting room, such as pens, pencils, combs, etc.
- 11). NO GUM CHEWING WILL BE ALLOWED.

- 12). Conversation between inmate and visitor(s) will be held in normal tones. Shouting and/or fighting will result in termination of your visit and may result in non-contact visiting status.
- 13). No food or beverages will be allowed into the visiting room.

CHILDREN'S VISITS:

- 1). Only one child will be allowed per adult.
- 2). Children are not to be left in the Public Lobby without a parent or guardian.
- 3). Children will not be allowed to run, scream, or shout in the visiting area.
- 4). **ANY PERSON UNDER THE AGE OF 18 MUST BE ACCOMPANIED BY A PARENT OR LEGAL GUARDIAN TO VISIT AN INMATE IN THE FACILITY.**
- 5). Only one child and one adult will be allowed to visit an inmate at any one time.

GENERAL VISITING RULES AND REGULATIONS:

- 1). Drug detection dogs will patrol the lobby and visiting areas periodically at unscheduled times.
- 2). Visitors may be required to submit to a strip-search as a condition of their visit. Based on a reasonable suspicion that a visitor is suspected of bringing contraband into the facility, a Superintendent's Order may be issued justifying a strip-search of a visitor. If the visitor does not submit to a strip search, his/her contact visiting privileges may be suspended for a determined period of time.
- 3). All visitors must present picture identification (current and valid NYS Drivers License; current and valid NYS Non-Driver's Identification; current and valid Driver's License issued by another state or province, etc.) and a second form of identification to verify the address. This second form of identification can be a current utility bill.

There will be no exceptions to this rule.

IT IS THE POLICY OF THIS DEPARTMENT TO PROSECUTE, TO THE FULLEST EXTENT OF THE LAW, ANY INDIVIDUAL FOUND GUILTY OF INTRODUCING CONTRABAND INTO THE FACILITY.

Additionally, any visitor having been found guilty of introducing contraband into the facility will be denied all rights to visit in this facility. Any inmate or visitor who has had their visiting privileges either suspended or restricted may appeal this decision, in writing, to the Superintendent's Office.

ALL INMATES WILL BE REQUIRED TO SUBMIT TO A STRIP-SEARCH FOLLOWING THEIR VISIT. THERE WILL BE NO EXCEPTIONS TO THESE RULES.

LEGAL SERVICES

- 1). Pre-trial Services are available, via request slip to Pre-trial, to any inmate who sends needs assistance in legal matters.
- 2). Attorney Conference/Visits: your attorney may visit you at any time that does not disrupt the orderly running of the facility, such as lockdowns for shift changes or during the serving of meals.
- 3). Notary Public: you can have your paperwork notarized by sending a request slip to the Law Library. The Law Library Officer is a licensed Commissioner of Deeds and will notarize your paperwork as soon as possible.
- 4). Copies: copies of legal papers can be made by requesting it of the Officer in the Law Library. There will be a \$0.10 charge for each copy made. At the time the copies are made, a receipt will be delivered to the Records Area for a deduction from your account. If you do not have the necessary funds at the time, the copies will still be made. The Cashier will retain the receipt at the Cashier's desk and, at such time as you receive money in your account, the cost of the copies will be deducted.

LAW LIBRARY

A Law Library is maintained within the Holding Center for your use while incarcerated. Books and/or legal materials, (other than copies), will not be allowed to be removed from the law library. If you want to use the law library, you can do so by sending a request slip to the Law Library. You will be scheduled at the earliest possible available time. If you cannot use this library appropriately, you will be sent

back to your housing area.

The law library contains current legal materials and references as mandated, including a copy of the New York State Commission of Correction Minimum Standards. If you need pertinent legal material, which is not contained in this library, inform the Law Library Officer and every effort will be made to obtain the desired material from an outside source.

You will be permitted to discuss and/or offer advice regarding your legal matters with other inmates while in the law library. However, pursuant to section 7031.3 of the NYS Commission of Correction Minimum Standards, "no inmate shall receive payment, benefit, or consideration in any form for providing assistance to another inmate."

NOTE: Any violation of this section may result in restriction of your law library rights. Also, a law library trusty will be available to assist you in researching of needed legal materials or information.

All inmates have daily access to legal materials upon request. If you have any questions regarding the Legal Services provided in the Holding Center, ask the Officer in your housing area or send a request slip to the Law Library Officer.

IN-HOUSE PROGRAMS

If you have any questions about any programs offered in the Holding Center, ask the Officer in your housing area.

Educational Services:

Educational Services are provided by the Buffalo Board of Education and other service providers. The following educational programs are regularly available:

- G.E.D. Preparation
- Life Skills
- Computer Literacy
- Parenting classes

Educational Services are available Monday through Friday from 8:00 a.m. to 11:00 am; 1:00 p.m. to 3:00 p.m. and from 6:00 p.m. to 8:00 p.m. (night school). You will be screened for educational services when you are classified. If you wish to enroll in school after you have been classified, send a request slip to the Education Dept.

Inmates who are less than 21 years old, have not graduated from high school or received a GED and are likely to be in jail for ten days or more, will automatically be enrolled in school when you are classified. If you meet this criteria and want to take advantage of additional educational opportunities, notify the Education Dept.

FIRST TIME/LAST TIME:

This program provides counseling and crisis intervention for youth between the ages of 16 and 21 booked into the Holding Center for the first time who want to make it their last time. If you qualify, the counselors will contact you without any action on your part. If you do not meet the above criteria but want to take part in this program, send a request slip to First Time/Last time stating your reason(s) for the request. Each request will be screened on an individual basis and you will be notified of their answer.

FORENSIC COUNSELING PROGRAM:

This program is available to any inmate and provides counseling on a professional level to help you effectively cope with emotional and/or personal problems, which might affect mental health. If you wish to participate in this program, send a request slip to the forensic Mental Health Unit or send your request through the Medical Department. You will be notified of their answer.

TRUSTY PROGRAM:

If you want to become eligible to be a trusty in the Erie County Holding Center, submit your name, via request slip, to the Trusty Coordinator. Once your request slip is received, you will be required to undergo a four-part screening process, as follows:

- 1). Medical: Your medical condition and record will be reviewed by the Medical Department to ensure that you have no medical problem that would prove to be threatening to your medical well-being, or the well-being of others if placed in a trusty position. If you are approved medically, you will proceed to the second phase of the screening process.
- 2). Forensic: Your forensic mental health condition and record will be reviewed by forensic Mental Health staff to ensure that you have no mental or emotional problem which would prove threatening to yourself or others. If you are cleared by Forensic, you will move to the third phase of the screening process.
- 3). Classification: Your classification/disciplinary file will be reviewed to ensure that you are not violent or assaultive. If you have an extensive in-house disciplinary file, you will be denied access into the program.
- 4). Attitude and Demeanor: Access into the trusty program is a privilege, not a right. Therefore, your behavior, attitude, and demeanor while in the facility will be reviewed. If you cannot get along with others, or reports are received (other than disciplinary write-ups) from Supervisors or staff noting a negative or behavioral problem, access into the program will be denied.

If you pass all phases of the screening process, your name will be placed on an eligibility list. Just because you passed the screening processes, you are not automatically given a position as a trusty. You must wait until a position becomes available and your name is next on the list. When a position becomes available, you must also meet the job requirements before being appointed to the position. You will receive an answer, in writing, at the completion of the screening process as to whether you will be placed on an eligibility list.

NOTE: No inmate being held in this facility for the U.S. Marshals or U.S. Immigration Service will be eligible for the trusty program, per the requests of both agencies.

HOUSING AREA RULES & REGULATIONS:

Your housing unit will be inspected daily by the Officer assigned to your housing area:

1. You are required to keep your individual unit clean and to do your share in keeping the general housing area clean.
2. Before leaving your housing unit your bed must be made and all personal and paperwork, books and magazines neatly stacked.
3. You must make sure that the toilet and sink in your housing unit are thoroughly cleaned with hot water, soap, and scouring powder.
4. You are not to place any objects on the walls, windows, mirrors, vents, lights, or bars in the housing units or areas (example: pictures, pin-ups, light covers, etc.).
5. You are not allowed to accumulate newspapers or other flammable items, such as bags or boxes from commissary in your housing unit.
6. You may not place blankets, towels, newspapers, or other items on the bars or your housing unit for any reason.
7. You cannot hang clotheslines in the housing units/areas.
8. You are prohibited from drawing on, writing on, or otherwise defacing walls in the housing units/areas.
9. Channel changers are strictly prohibited.
10. Light covers are strictly prohibited.
11. All trash/garbage must be placed in the garbage cans provided in each housing area.
12. You must be fully clothed (pants, shirt, and shoes) when you leave your housing unit.
13. You are not to enter any housing unit other than your own.
14. Officer's desks and any items on the desk are "off limits" to you. You must not tamper with or take any property from an Officer's desk.
15. You are not allowed to store any items from any meals in your housing unit. The only food items allowed to be stored in your housing unit are those ordered from commissary.
16. You cannot sit on, tamper with, or obstruct in any way, radiators, windows, locks, electrical fixtures, televisions, etc., in any manner. You are to report any equipment not operating properly to the Officer assigned to your housing area.
17. You cannot tamper with the Officer's telephone.
18. You will not be allowed to sit on or obstruct the stairways in any manner.
19. You are not allowed to do chin-ups or gymnastics on the stairways or on the railings.
20. You are not allowed to hang anything on the stair railings.
21. Under no circumstances are you to take pillows or mattresses out of your housing unit.
22. You must wear clothing to and from the showers. A towel is not considered appropriate clothing.
23. You must wear shoes or appropriate footwear at all times.

24. You are not allowed, under any circumstances, to take food trays to your housing unit or to the furniture in the TV area. Meals are to be eaten at the tables provided for this purpose.
25. You will not congregate at, knock on, or make obscene or disruptive gestures through the windows.
26. You are not to leave your housing area with commissary items.
27. Passing of items between inmates in different housing areas is not allowed. Do not ask any Officer to pass anything from you to another inmate.
28. You will not argue or disagree over the selection of television programs. Selection of television programs will be in a fair and equitable manner. Failure to comply with this regulation will result in temporary suspension of television privileges in your housing area.
29. Damage or destruction of the TV's will result in their removal and replacement will occur only when repaired or spare equipment is available.
30. You are to obey and respect the Officer in your housing area at all times. If in the pods, violation of this rule will result in an automatic ejection from the pods.

If you have any problems, complaints, or requests, first report them to the Officer assigned to your area. If he/she cannot resolve them, he/she will assist you in forwarding them to the proper person or department.

INMATE GRIEVANCE PROGRAM:

In compliance with the New York State Commission of Correction Minimum Standards, this facility has established an Inmate Grievance Program for the resolution of problems and complaints. This program consists of an informal procedure and a formal procedure, as follows:

INFORMAL GRIEVANCE PROCEDURE:

VERBAL REQUEST/COMPLAINT

- 1) Verbal requests or complaints may be made directly to the Officer assigned to your housing area. If the matter is within the realm of the Officer's authority, immediate action will be taken. If the matter cannot be resolved or must be forwarded to another person or office for resolution, the Officer will advise you on how to proceed.
- 2) Matters that cannot be immediately resolved will be placed in writing on a request slip and forwarded to the appropriate person or office for review and consideration. A decision regarding the request or complaint will be made without undue delay.

FORMAL RESOLUTION PROCEDURES:

You are encouraged to try to have your problems or complaints resolved through the informal process (above), however, you may file a formal written grievance at any time.

NOTE: Pursuant to New York State Commission of Correction Minimum Standards, dispositions and sanctions from disciplinary hearings, administrative segregation housing decisions; issues that are outside the authority of the Superintendent to control; or complaints pertaining to other inmates are not grievable and may be returned to the inmate. Such grievances may not be appealed to the Superintendent or to the Commission's Citizens' Policy & Complaint Review Council.

- 1). Grievance forms are available from your housing area officer.
- 2). A grievance must be filed within five (5) days of the act or occurrence giving rise to the grievance. Grievances that are untimely will not be accepted.
- 3). When completing the Grievance form include all specific facts, circumstances, dates, times, names of witnesses and any supporting documentation or evidence that you have. Once complete, submit the form to your housing area officer. If you need help completing the form, ask your housing area officer and assistance will be provided.
- 4). The housing area officer will review your grievance and try and assist you in resolving it immediately. If the officer is able to help you resolve your grievance, you will be asked to sign the appropriate space on the form and the form will be sent to the Grievance Coordinator.
- 5). If the housing area officer cannot help you, the form will be reviewed by a supervisor who will attempt to assist you in resolving your grievance. If the grievance is resolved, you will be asked to sign the appropriate space on the form and it will be forwarded to the Grievance Coordinator.
- 6). If your grievance is not resolved, it will be forwarded to the
- 7). Grievance Coordinator for processing and you will receive a formal decision within five (5) days.
- 8). If you are dissatisfied with the decision of the Grievance Coordinator, you may appeal to the Superintendent. You must appeal within two (2) business days of your receipt of the Grievance Coordinator's decision

- 9). You will receive the Superintendent's decision within five (5) days of your appeal.
- 10). If you are dissatisfied with the Superintendent's decision, you may appeal to the New York State Commission of Correction. This must be done within three (3) business days of the Superintendent's decision.
- 11). You will be provided with a receipt for any grievance appealed to the commission of correction. You will be notified of their decision, via U.S. mail within 45 days of the date the commission receives your grievance.

NOTES:

1. Business days are considered Mondays through Fridays, excluding holidays.
2. Grievances related to disciplinary sanctions, administrative segregation decisions, issues outside the ability of the Superintendent to control, issues related to anyone other than yourself, or grievances that are vague or fail to provide specific information or fail to provide sufficient supporting evidence, will not be accepted and returned to you.
3. Law strictly prohibits reprisals against inmates for filing a grievance. All allegations of reprisal will be fully investigated.

INMATE REQUEST SLIPS: These slips are to be used for inmate requests, in writing, which cannot be answered by your housing area Officer. These requests are to be used for specific needs, actions, complaints, etc., and addressed to the appropriate areas or person in the facility. These slips are readily available in all housing areas. The Officer will read, sign, and date all request slips and will forward all completed request slips to the designated recipient for response.

INMATE DISCIPLINARY PROGRAM

The following behavior is prohibited. The type of disciplinary proceeding that may result from an alleged violation of each rule is listed. The acts of conspiracy, attempt, and accessory will be punishable to the same degree as the actual offense involved. These terms have the following meaning:

Attempt: any act that constitutes a step in a course of conduct that would result in an act of misbehavior.

Conspiracy: any agreement between two or more persons to engage in an act of misbehavior.

Accessory: providing assistance in any manner prior to, during, or after a person commits an act of misbehavior.

Attempt, conspiracy, and accessory may be cited whether or not the actual rule contains such terms.

DISCIPLINARY OFFENSES are categorized into three classes, determined by the severity of the offense, threat to safety, security, and good order of the inmates, staff, and/or facility.

CLASS A: Most serious Class of Infraction. Involves severe threat to safety, security, good order of the facility as well as the safety and health of staff and inmates.

CLASS B Intermediate Class of Infraction. Involves serious disruption of facility operations and routines and/or serious criminal activity. Serious threats to safety, security, good order or the health and safety of staff and inmates.

CLASS C Least serious class of infraction. Involves disruptions to facility routines and operations and/or criminal activity.

CHARGEABLE OFFENSES:

100 – ARSON: Intentionally starting a fire or recklessly or carelessly engaging in conduct that results in a fire.

A. ARSON

- 1. Which results in injury to any person. Class A
- 2. Which results in evacuation of one or more persons. Class A
- 3. Which results in hazardous gasses or substantial smoke. Class A
- 4. Involves the burning of any property or item belonging to the county. Class B
- 5. Involves the burning of any item. Class B

B. ATTEMPTED ARSON: Intentionally attempting to start a fire or intentionally engaging in conduct likely to result in a fire. Class B

101 – ASSAULT and related offenses: Intentionally or recklessly causing death or inflicting physical injury upon another person.

A. HOMICIDE

- 1. Intentionally or recklessly causing the death of another person. Class A
- 2. Attempting to cause the death of another person. Class A
- 3. Attempting to commit suicide. Class A
- 4. Assisting in a suicide or an attempt to commit suicide. Class A

B. ASSAULT

- 1. Intentionally or recklessly inflicting physical injury upon a staff member or a member of the public. Class A
- 2. Intentionally or recklessly inflicting serious physical injury upon an inmate. Class A
- 3. Any assault or fight involving the use of a weapon. Class A
- 4. Intentionally or recklessly inflicting physical injury upon an inmate. Class B

C. AGGRAVATED ASSAULT

- 1. Causing another person to come into contact with any Body fluid, Chemical agent, noxious, hazardous, or dangerous substance. Class A
- 2. Causing a staff member to come into contact with any foreign substance, liquid, or material. Class B
- 3. Causing an inmate to come into contact with any foreign substance, Liquid, or material. Class C

D. ATTEMPTED ASSAULT

- 1. Intentionally attempting to or engaging in conduct likely to cause physical injury to any other person. Class B
- 2. Attempting to cause any person to come into contact with any body fluid, chemical agent, noxious, hazardous or dangerous substance. Class B
- 3. Attempting to cause any person to come into contact with any foreign substance, liquid, or material. Class C

E. FIGHTING: Any combat by agreement, which involves pushing, punching, kicking, biting etc. Class B

F. EXTORTION / STRONGARMING

- 1. Gaining or attempting to gain any item, favor, service by means or intimidation or threats of violence. Class B
- 2. Preventing or attempting to prevent another person from enjoying any item, favor or service by means of intimidation or threats of violence. Class B
- 3. Preventing or attempting to prevent any person from testifying or providing written Statements, as a witness in any criminal, civil or disciplinary proceeding, by means of intimidation or threats of violence. Class B

102 – BRIBERY: Offering or delivering any item, service or benefit, to any other person for the purpose of influencing an opinion, decision or action.

- A. Offering or delivering a bribe to a staff member for any purpose. Class A
- B. Offering or delivering a bribe to any government official for any purpose. Class A
- C. Offering or delivering a bribe to any service provider for any purpose. Class A

103 – CONSPIRACY: Two or more persons acting in concert to commit or in planning to commit

any violation of a statute, rule, regulation or order.

- A. Conspiracy to commit a Felony or a Class A disciplinary violation. Class A
- B. Conspiracy to commit a Misdemeanor or a Class B disciplinary violation. Class B
- C. Conspiracy to commit a Violation or a Class C disciplinary violation. Class C

104 – CONTRABAND: *Introduction, manufacture, possession, sale, or exchange of:*

- ◆ Any item that an inmate is not allowed to possess by statute, rule regulation, or order.
- ◆ Any item that an inmate may be allowed to possess but is possessed in excessive quantities.
- ◆ Any item that an inmate may otherwise be allowed to possess that has been altered from or used for other than it's intended purpose.
- ◆ Any item that an inmate may otherwise be allowed to possess after an order has been issued for it's return or surrender.

A. DANGEROUS CONTRABAND: Contraband that by design, appearance or use endangers the safety and/or security of the facility or endangers the safety of any person.

- 1. Any firearm, ammunition, explosive, knife, razor, shiv, club or any other item that by design, appearance, or use, may be classified as a weapon. Class A
- 2. Any item which may be used to facilitate an escape. Class A
- 3. Any quantity of illegal narcotics, controlled substances marijuana or other dangerous drugs Class A
- 4. Any item or insignia of an Officer's uniform or any item of an officer's equipment. Class A
- 5. Any quantity of unauthorized, prescription medication Class B

B. CONTRABAND: As defined above.

- 1. Any quantity of tobacco. Class B
- 2. Matches, lighters, electric wires, batteries or any other item capable of generating heat, making a flame or making a spark. Class B
- 3. Any quantity of alcohol or homemade intoxicants. Class B
- 4. Ingredients to produce homemade intoxicants Class C
- 5. Unauthorized non-prescription medication. Class B
- 6. Unauthorized foodstuffs. Class C
- 7. Unauthorized or excess, clothing or footwear. Class C
- 8. Unauthorized or excess bedding, linen, towels. Class C
- 9. Unauthorized head-coverings. Class C
- 10. Unauthorized or excessive books, magazines, newspapers etc. Class C
- 11. Possession of any property belonging to another inmate. Class C
- 12. Miscellaneous: Any item considered contraband by a staff member. Class C

(Note: The facts and circumstances surrounding this determination must be fully described in the narrative.)

105 - DESTRUCTION OF COUNTY PROPERTY: Intentionally damaging, disabling, defacing or altering any property belonging to the County of Erie or to any government agency, service provider or vendor.

- A. When the property exceeds \$500.00 in value. Class A
- B. When the property exceeds \$30.00 in value. Class B
- C. When the Property is valued at less than \$30.00. Class C

106 – DISORDERLY CONDUCT: Any conduct that causes unreasonable noise, harassment, inconvenience, annoyance or alarm. Any conduct which tends to serve no legitimate purpose.

- A. When employed as a diversion for the commission of a Felony or a Class A Disciplinary violation. Class A
- B. Which results in injury or threatens the safety, security or good order of the facility Class B
- C. Being under the influence of alcohol, narcotics or unauthorized medication. Class B
- D. Smoking. Class B
- E. Tattooing, Branding, Piercing, self mutilation or self injury. Class B

- F. Threatening a staff member with physical harm. Class B
- G. Harassment, insubordination, insolence, use of abusive or obscene language/gestures Class B
- H. Any unauthorized conduct with a visitor. Class B
- I. Horseplay, foot chases, wrestling or other unauthorized physical activity. Class C
- J. Making unreasonable noise. Class C

107 – DISRUPTING FACILITY OPERATIONS: Conduct which disrupts any operation function, program or service of the facility. Any conduct which interferes with staff duties. Refusing to or failing to immediately follow an order from a staff member.

- A. Blocking, damaging, picking, or tampering with any security device. Class A
- B. Damaging, altering or tampering with any electrical outlet, fixture, or appliance. Class B
- C. Obstructing, damaging or tampering with any other facility system (plumbing, ventilation etc.) Class B
- D. Failure to stand for the count. Interfering in a count or security check. Class B
- E. Failure to immediately obey any order in an emergency situation. Class B
- F. Intentionally or recklessly causing a flood. Class B
- G. Throwing liquid, trash, food or any object or substance. Class B
- H. Being in any unauthorized area or failure to promptly report to any assigned area. Class C
- I. Failure to immediately lock-in when ordered. Class C
- J. Failure to immediately obey any order from a staff member. Class C
- K. Removal, alteration or tampering with an "Inmate Identification Bracelet." Class C
- L. Failure to remain right of the red line. Class C

108 – ESCAPE:

- A. **ESCAPE** Escape, abscond, or flee from confinement, custody, or a work detail. Class A
- B. **Attempted Escape:** Planning, conspiring, aiding another or acting in such a manner as to escape, abscond or flee from confinement, custody or a work detail. Class A
- C. **Wearing a disguise:** wearing, possessing or manufacturing any item or article, or altering your appearance in any way that interferes with identification. Class A

109 – FALSE STATEMENTS

- A. Falsely accusing any person of any misconduct. Class A
- B. Providing a written statement that is substantially false. Class B
- C. Making any verbal statement that is substantially false. Class C

110 – GAMBLING: Engaging in or wagering on any sporting event, game of chance, contest or event for which any amount or money, item, product or service is or is believed to be dependent upon the outcome.

- A. Gambling Class B
- B. Possession of Gambling Devices / Paraphernalia Class C

111 – RIOTING / INSURRECTION

- A. Rioting: Engaging in violent disorder with other inmate(s). Class A
- B. Inciting a Riot: Encouraging others to engage in violent disorder. Class A
- C. Insurrection: Individual or group demonstration, revolt or rebellion. Class A

112 – SANITATION / HYGIENE AND RELATED OFFENSES:

- A. **Sanitation:**
 - 1. Failure to Keep your Housing Unit clean. Class B
 - 2. Failure to participate in keeping your housing area clean. Class B
 - 3. Intentionally "Trashing" your housing unit, housing area, or any area of the facility. Class B
 - 4. Causing any foreign material or substance to contact any foodstuffs or handling food in an unsanitary manner. Class B
 - 5. Using any material, item, or tool in an unsafe or unsanitary manner. Class B

- 6. Improperly disposing of sanitary napkins. Class C
- 7. Using any material, item or tool for other than its intended purpose. Class C
- 8. Failure to dispose of trash properly. Class C
- 9. Improperly washing, drying, hanging or handling laundry Class C
- 10. Attaching any picture, article, or other item to any wall, door, window, or ceiling. Class C

B. Hygiene:

- 1. Sharing Razors or handling razors in an unsanitary manner. Class B
- 2. Failure to shower regularly or failure to keep your body clean. Class C

113 – SEXUALLY RELATED OFFENSES

- A. Rape / Sodomy – Engaging in sexual relations by forcible compulsion. Class A
- B. Attempted Rape / Sodomy Class A
- C. Sexual Intimidation attempting to engage another in conduct of a sexual nature by means of intimidation or threats of violence. Class A
- D. Sexual Conduct Engaging in any sexual acts with another, whether consensual or not. Class B
- E. Sexual Harassment any unwanted unsolicited verbal or written communication that is sexual in nature or contains sexual innuendo. Any reference to a staff member that is sexual in nature. Class B
- F. Lewd Conduct - Engaging in any conduct of a sexual nature that tends to harass, annoy, or alarm any other person. Masturbation, manipulation or fondling of the breasts, buttocks or genitals, in a manner likely to be within the view of others. Class B
- G. Indecent Exposure exposing any portion of body parts, breasts, buttocks or genitals, in a manner likely to be viewed by others. Class B

114 – STEALING

- A. Robbery- Taking something that does not belong to you by means of force or threats of violence. Class A
- B. Stealing- Taking something that does not belong to you. Class B
- C. Possession of Stolen Property: Possessing anything that does not belong to you. Class B

115 - UNAUTHORIZED CONTACT WITH THE PUBLIC:

- A. Misrepresentation of oneself as a staff member or other government official. Class A
- B. Misrepresentation of oneself as anyone other than him/herself. Class B
- C. Threats or harassment of any person via the telephone. Class B
- D. Threats or harassment of any person via the mail. Class B
- E. Making three-way telephone calls. Class C
- F. Yelling out of any window or recreation area at the public. Class C
- G. Any unauthorized contact with the public during transportation. Class C
- H. Sending, receiving or delivering any correspondence by any means other than the US Mail. Class C

116 – WORK ASSIGNMENTS:

- A. Work Strike or Stoppage – inmates assigned to work are prohibited from organizing or participating any work strike or stoppage. Class A
- B. Refusing to Work – sentenced inmates may not refuse to work. Class B
- C. Protesting Work Assignment – protesting any work assignment or any portion of any work assignment or failing to complete a work assignment. Class C
- D. Tardiness for Work Assignment – failing to promptly report to a work assignment when so ordered. Class C

SANCTIONS:

- (1) Direct referral to Forensic Mental Health Program or services within the facility.
- (2) Counsel or Verbal reprimands.

- (3) Restitution for the loss or damage of property made from existing and/or future funds in the inmate's account.
- (4) Loss of privileges for specified period of time:
 - CLASS A : 0 - 365 days
 - CLASS B : 0 - 90 days
 - CLASS C : 0 - 30 days
- (5) Confinement to a cell, room or in special housing for a period of time:
 - CLASS A : 0 - 365 days
 - CLASS B : 0 - 90 days
 - CLASS C : 0 - 30 days
- (6) If sentenced, forfeiture of a specified amount of allowance for good behavior (Good Time).
- (7) Restriction to non-contact visitation for a specified time period.
- (8) Inmates may be subject to a mandatory \$5.00 surcharge upon any finding of guilt in any sanction class. The hearing officer may hold the commencement of a sanction in abeyance for a period up to 30 days in order to assess the behavioral adjustment of the inmate. At the conclusion of such period, the hearing officer shall determine whether the sanction shall commence in whole or in part or shall be suspended in whole or in part.

INMATE DISCIPLINARY PROCEDURE (S):

Any violation of the New York State Penal Law is subject to criminal prosecution. If a staff member has reasonable grounds to believe that you have committed, attempted to commit, or are about to commit an act which violates Holding Center Rules & Regulations, or Housing Unit/Area Rules and Regulations, you may be charged with, and written up, for an infraction of these rules. Disciplinary action will be taken at such time, manner, and degree which is deemed necessary in order to regulate an inmate's behavior/conduct within acceptable limits as set forth by the facility and the NYS Commission of Correction. Disciplinary action initiated against any inmate will be applied in a completely impersonal, impartial, and consistent manner.

If disciplinary charges are filed, inmates will receive a copy of all disciplinary charges along with the accompanying narrative within 72 hours of the date on which the violation/infraction was discovered. A Disciplinary Hearing will be held within fifteen (15) days of the initial infraction.

You will have a fair and impartial hearing before a hearing officer or disciplinary committee wherein you will be afforded the opportunity to present information/paperwork/witnesses (if not unduly disruptive to the facility or redundant), to aide in your defense. In accordance with the NYS Commission of Correction Minimum Standards, you will not be allowed to directly question witnesses against you but you will be allowed to ask questions through the hearing officer, which are deemed relevant to the issue/charges. In certain circumstances in which your presence while the questioning of a witness presents a threat to the safety, security, or good order of the facility, you will not be allowed to be present. However, the hearing officer/disciplinary committee will supply all evidence supplied by a witness outside of your presence to you. The hearing officer/disciplinary committee will render a decision based on all evidence, statements, etc., presented at the hearing.

If you refuse to attend your disciplinary hearing, in accordance with Watson v Coughlin, 517 N.Y.S. 2d 620 (A.D. 1987), the Hearing Officer, or disciplinary Committee will note, in writing, on the hearing form that the inmate refused to attend. The hearing and decision will then be based upon all evidence previously submitted with the charges and disciplinary sanctions may be imposed outside of your presence. Your refusal to attend your disciplinary hearing does not negate the charges or possible discipline rendered.

If you are illiterate, non-English speaking, or do not understand the charges against you, assistance will be provided upon request.

Pre-Hearing Detention :

If your behavior is believed to jeopardize the safety & security of the facility, yourself or others, you may be continuously confined to a cell or room, pending your disciplinary hearing.

Should your behavior warrant such confinement, you will initially be secured for 24 hours. Your behavior will then be evaluated by the Superintendent to determine if it is necessary to continue

pre-hearing detention. Any determination to continue pre-hearing detention will be made in writing. You will receive a copy of the determination and your disciplinary hearing will be scheduled for the next available disciplinary committee. Any time that you have spent in pre-hearing detention will be counted toward the any sentence of disciplinary segregation that may be imposed by the disciplinary committee.

KEEP-LOCK, NO PRIVILEGES (KLNP):

While confined to a cell or room for 23 hours per day, whether in general population or disciplinary/punitive segregation, you will only be allowed to possess legal and/or religious material(s), writing materials, and personal hygiene items. At no time will you be allowed to order privilege items from commissary, such as potato chips, candy, cookies, etc. Also, any of the above items in your possession prior to your confinement to keep-lock housing will be placed in your property until such time as you return to regular inmate population with privileges restored. There will be no television privileges while keep-locked.

DISCIPLINARY APPEAL:

You have the right to appeal the decision of the Disciplinary Committee by filing a Disciplinary Appeal Form, complete with supporting documentation, to the Superintendent.

If you wish to appeal, you must file an appeal form within two (2) business days of receiving the decision of the Disciplinary Committee. You must specify the grounds on which your appeal is based and provide evidence supporting your.

Upon review of your request to appeal, the Superintendent will determine whether to: Uphold your appeal and modify your sentence, deny your appeal or grant a new hearing before a different Disciplinary Hearing Officer.

NOTE : *Failure to file a timely appeal, failure to provide specific supporting information, or failure to provide new and compelling evidence may be grounds to deny your appeal.*

ADMINISTRATIVE SEGREGATION:

A form of separation from the general population, administered by the Superintendent for the purpose of providing close and/or controlled supervision, such as for an inmate's personal protection, for the safety and security of the facility or person(s) therein.

Administrative Segregation decisions will be made in writing and you will receive a copy of the decision. All such decisions will be reviewed regularly and you will receive copies of these reviews. You may file a written statement, outlining any facts and/or circumstances that you wish to be considered by the administration in rendering these decisions.

Pursuant to 9NYCRR.7032, Administrative Segregation housing decisions may not be the subject of an inmate grievance.

CONTRABAND:

Contraband is:

- Any item which presents a threat to the safety or security of the facility or any persons therein.
- Any item not issued to an inmate by the facility.
- Any item an inmate is not allowed to possess.
- Issued items when found altered, in excessive quantity, or kept after a request has been made by a staff member for the item's return.

Dangerous contraband is any contraband that is capable of endangering the safety, security, or good order of the facility or person's therein.

205.20 - PROMOTING PRISON CONTRABAND IN THE SECOND DEGREE (Class A Misdemeanor)

A person is guilty of promoting prison contraband in the second degree when:

1. He/she knowingly and unlawfully introduces any contraband into a detention facility; or,
2. Being a person confined in a detention facility, he/she knowingly makes, obtains, or possesses any

contraband.

205.25 - PROMOTING PRISON CONTRABAND IN THE FIRST DEGREE (Class D Felony)

1. He/she knowingly and unlawfully introduces any dangerous contraband into a detention facility; or
2. Being a person confined in a detention facility, knowingly and unlawfully makes, obtains, or possesses any dangerous contraband.

IN ALL CASES INVOLVING CONTRABAND, THE ERIE COUNTY SHERIFF'S OFFICE WILL CHARGE AND PROSECUTE ALL INVOLVED PARTIES TO THE FULLEST EXTENT OF THE LAW.

HEADCOUNTS/LOCK-IN PERIODS:

All inmates will be required to secure (lock-in) in their housing units at specific times, as follows:

6:30 a.m. to 7:00 a.m.	shift change and headcount
12:00 (noon) to 1:00 p.m.	lockdown and headcount
2:30 p.m. to 3:00 P.M.	shift change/headcount
5:30 p.m. to 6:30 p.m.	lockdown and headcount
10:30 p.m. to 5:30 a.m.	lockdown for the night/trusty clean-up

The above times are approximate and may vary due to facility conditions and/or operations. You must immediately return to your housing unit whenever ordered to do so by a Officer. Failure to comply with this order will be considered a violation of the Rules and Regulations of the Erie County Holding Center.

CONDUCT:

You will conduct yourself in an orderly manner at all times with respect and courtesy for the rights of other inmates and staff.

CELL INSPECTIONS AND PERSONAL SEARCHES

Searches of housing areas and units will be conducted on unannounced and irregular schedules. Inmates **do not have to be present in order for a lawful search to be conducted.** Also, on a random, unannounced basis, drug detection dogs will be used during cell searches.

CO-DEFENDANT VISITS

These visits may be granted only in cases in which a visit is specifically necessary. Each of your attorneys (both yours and your co-defendants) must submit a written request that you be allowed to visit. These letters must include:

- The name of the co-defendant with whom the visit is being requested.
- The attorney's authorization for the visit.
- The reason(s) why the attorney feels that the visit is necessary for your defense.
- Whether or not the attorney wants to be present during the visit.
- The number of visits being requested.

After a written request has been received from each attorney, the results will be reviewed and arrangements will be made to accommodate the visit(s). These co-defendant visits are intended to assist in the preparation of your defense, not for socialization. You will be expected to conduct yourself in a responsible manner. Inappropriate conduct of any kind may result in the termination of your visit and the denial of future co-defendant visits.

FUNERAL/DEATH BED VISITS: Inmates may be permitted, **at the discretion of the Superintendent**, to visit the deathbed and/or conduct a funeral visit (see definition below) of a designated family member. In accordance with the New York State Commission of Correction family member will mean father, mother, legal guardian, or formal guardian (legal verification needed), child brother, sister, husband, wife, grandparent, and grandchild.

DEATHBED VISIT: defined as visitation when death is imminent. Verification by the physician of record is required. Visitation will be coordinated with the hospital and will be subject to hospital policy and/or policy of the physician of record. Deathbed visits **will not be allowed in private homes.** All such visits will be limited to recognized health care institutions and which are located in the **geographical boundaries of Erie County.**

FUNERAL VISIT: defined as a visit for the purpose of paying last respects to the deceased. **Funeral visits will not be allowed in private homes.** All such visits will be limited to recognized funeral homes or mortuaries. Such visits will be coordinated with the funeral director and conducted at times other than those available to the general public and/or family. No inmate will be allowed to attend the actual funeral.

ELIGIBILITY: Death bed and/or funeral visitation will be approved based on verification of information and risk assessment.

NOTE: All such visits will be conducted at times when family members/ friends are not present. All inmates will be cuffed and shackled during all such visits. No inmate will be allowed to receive any item from any person without prior approval. The possession or use of any alcohol or drug or engaging in conduct inappropriate for the circumstances of the visit is prohibited.

INMATE DNA TESTING: As of January 1, 1996, Executive Law, Section 49-B, established the authority for Sheriffs and local correctional facility administrators to assist in the implementation of this law by drawing blood, and sending same to Albany to be kept on file, from those offenders serving local sentences of imprisonment and, in some cases, sentences of probation for designated crimes. If a designated offender refuses to provide a blood sample a court order will be obtained.

IT IS YOUR RESPONSIBILITY TO READ THIS HANDBOOK AND TO KNOW AND UNDERSTAND THE RULES AND REGULATIONS OF THIS FACILITY. FAILURE TO DO SO WILL NOT BE ACCEPTED AS AN EXCUSE FOR A VIOLATION OF HOLDING CENTER RULES AND REGULATIONS.

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Lock-in	21
Mail:	
Certified Checks/Money Orders	5
Incoming (acceptable/unacceptable)	4
Packages	5
Outgoing	5
Money/Cash:	
Bail(s)	5
Buffalo Police Department Arrests	4
Cash Window Public Hours	5
(includes personal property pick-up)	
Newspapers	5
Personal Hygiene	2
(shaving, showers, clothing)	
Property:	
Allowable Clothing/Property	3

Buffalo Police Department Arrests	3
Court Clothing	3
Hours for drop-off/pick-up	2
State-Ready Inmates	3
Personal Property	3
(includes wallets, purses, etc.)	
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NOTICE TO ALL INMATES

THE INMATE HANDBOOK IS PROVIDED FOR YOUR BENEFIT WHILE YOU ARE REMANDED TO THE CUSTODY OF THE SHERIFF OF ERIE COUNTY. IT EXPLAINS:

..... **YOUR RIGHTS AND PRIVILEGES**

..... **THE SERVICES & PROGRAMS WHICH ARE AVAILABLE TO YOU**

..... **THE RULES AND REGULATIONS OF THE ERIE COUNTY HOLDING CENTER**

..... **THE CONDUCT WE EXPECT FROM YOU WHILE YOU ARE HERE**

PLEASE READ THIS BOOK THOROUGHLY

NOTE: WE ARE NOT RESPONSIBLE FOR ANY MONEY OR PROPERTY LEFT IN ANY JAIL MANAGEMENT DIVISION FACILITY AFTER 30 DAYS OF YOUR RELEASE OR TRANSFER.

After 30 days, all property will be donated to a charitable organization and all money will be turned over to the Erie County Comptroller's Office. A copy of this signed page is certification that you received an Inmate Handbook. It will be filed in your Classification Records.

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Inmate Signature

Date

Inmate Handbook Addendum

Effective 3-13-09

The following changes to the Inmate Handbook are to be followed. These changes supersede the rules in the Inmate Handbook.

Page Topic

4 Printed Materials, Magazines, Newspapers and Books: Inmates may receive printed materials or publications from any source. If any printed materials pose a threat to the safety, security or good order of the facility, the materials may be censored. If materials are believed to be a threat to the safety, security or good order of the facility, those materials will be forwarded to the Chief Administrative Officer for a determination. If the printed materials are found to be in need of censoring, the CAO will notify in writing both the inmate as well as the sender within 48 hours of receipt of a periodical and 7 days of a publication / book. If incoming printed material may involve a criminal offense, the appropriate authorities will be notified for criminal prosecution.

Due to the limited amount of space, inmates will be allowed no more than two books and two magazines in their cell at one time. This includes books from the jail library.

4 Personal Property: In accordance with NYS Commission of Corrections inmates may possess and wear religious medals or articles *as long as* the items do not constitute a threat to the safety, security, or good order of a local correctional facility, or the health of an individual.

11 Visiting Schedule: Saturdays – Wednesday 7:00am through 2:30 pm. All inmates will leave the visiting room by 2:30pm.

12 Children's Visits: #4 Any person under the age of 21 must be accompanied by a parent or guardian in order to visit the child's parent who is an inmate in the facility.

General Visiting Rules and Regulations #3. All visitors must present picture identification (current and valid NYS drivers license, current and valid NYS non drivers license id, current and valid drivers license issued by another state or province). A second form of identification verifying the address is no longer mandated.

Unless an inmate is designated as a Deputy or Deputy/Supervisor escort, an inmate's visiting time will begin 5 minutes after they are called for a visit. Showering, before a visit will count against your visiting time. When called, you MUST report to the visiting room as soon as possible to prevent shortened visits.

KEEP LOOK

RECREATION

0700-1500 K/L Rec Sunday May 10, 2009

LT Webster Dep Puleo

0715-0815 1st session - Golf rec yard searched @1354 ① attend @1354

Delta N/ε75 Powell, Kelvin

0815-0915 2nd session - rec yard searched @1354

Per H/L deputies, all alternative rec'ln's on B-seg, B-long, B-short, C-seg, C-long, C-short, D-seg, D-long, D-short refused @1354

0820-0920 3rd session - rec area searched @1354 ① attend @1354

ε #29 Atkinson, Seymour @1354

0915-1015 4th session - Echo short minors ② attend - Rec yard searched @1354

ε #31 Cotta, Ruel

ε #40 Morgan, Laquan

1010-1100 5th session - Echo long minors ③ attend - Rec yard searched @1354

ε #22 Jackson, Joshua

ε #23 Sweat, Eric

ε #28 Gorée, Maquail

1100-1300 10-10 Delta Control lunch relief then lunch @1354

1300-1345 6th session - Echo long minors ③ attend - Rec yard searched @1354

ε #18 Smith, Deshaun

ε #21 Sommerville, Walter

ε #24 Littlejohn, Jahaan

1350-1430 7th session - Echo long minors ② attend - Rec yard searched @1354

ε #17 Boone, Ryan

ε #20 Skinner, Kevin

1430 End of tour ⑫ total Joseph Puleo 1354

136
K21 back
K21

0700-1800 DEP Gavin 1228 SATURDAY MAY 16th 2009 AT KRETZMAN SET

0715-2815 SESSION ①

D-16 BRADLEY, ANTHONY

NOTE: P.L. H/2 DEP'S WORKING - B-Long D-SHORT - B-Seq - C-Seq - C-Long - C-5 Short
D-Seq - D-SHORT - C-SOUTH - ALL - SPECIAL OR TIE/LOCKS HAVE REFUSED REC

0800-0900 SESSION ①

D-82 DAVIS, ALI KHAN
3K7

0845-0945 SESSION ①

D-76 POWELL, KELVIN
4TH

0945-1045 SESSION ③

E-29 ATKINSON, SEYMOUR

32 JONES, CYRUS

36 LAWRENCE, ANTOINE

1100-1320 10-10 - DELTA CONTROL - LUNCH RELIEF
5TH

1320-1400 SESSION ④

E-41 MILLER, RAYSHAWN

44 MONTANEZ, ERIBERTO

48 BALANCE, QUINCY

49 ANDERSON, JOSHUA
6TH

1350-1430 SESSION ② MINORS

E-31 COTTO, RUEL

40 MURRAY, LAQUAN

John [Signature] Total

140
Kee Lock
Rec

0700-1000 DEL GAVIN 1078 WEDNESDAY MAY 20, 2009 LT WEBSTER

0715-0815 SESSION ① REL AREA SEARCHED

C-17 COLLINS BRIAN

NOTE: Per H/P DEPUTIES, WORKING B-SEQ B-LONG B-SHORT C-SEQ C-LONG C-SHORT

DELTA LEVEL - G-SOUTH ALL REFUSED REF

0822 SGT P. EVANSON UNIT SUPERVISOR TOUR ①⑤

0830-0930 SESSION ③

E-41 MILLER, RAYMOND

42 JACKSON, LEMUEL

49 ANDERSON, JOSHUA

0930-1030 SESSION ④

E-29 ATKINSON, SEYMOUR

1100-1300 10-10-DELTA CONTROL - LUNCH RELIEFS ⑥

1300-1400 SESSION ⑩ MINORS

E-15 WASHINGTON, THOMAS

16 LUCAS, JUAN

18 SMITH, DEBRA

20 BYERS, CURTIS

21 SOMMERVILLE, WALTER

22 JACKSON, JOSHUA

23 WILLIAMS, LOUIS

24 ALLEN, DEON

28 LOCKER, MARQUEL

1400-1430 SESSION ①

E-40 MORGAN, LAQUAN

John ①⑤ TOIR

Rec Lock
Rec

0700-1500 DEP Gavin 1078 THURSDAY MAY 21ST 2009 LT WEBSTER, SGT EVANS,

0710-0815 SESSION (1)

C-17 COLLINS, BRIAN

2ND

0930-0930 SESSION (2)

E-41 MILLER, LAYSHAW

42 JACKSON LEMUEL

43 MAPPS DAMIEN - SENT BACK - INMATE BEING TAUNTED BY OTHERS

44 MONTANAZ ERIBERTO

46 LITTLE JOHN, JOHANN

49 ANDERSON, JOSHUA

0849 SGT. P. EVANS ON UNIT + SUPERVISOR TON (PS)

3RD

0930-1030 SESSION (1)

E-29 ATKINSON, SEYMOUR

1100-1300 10-10 DELTA CONTROL + LUNCH RELIEFS

4TH

1300-1400 SESSION

E-40 MORLAN

5TH

1500-1600 SESSION (2)

E-18 SMITH, DEBRA

20 SKINNER, KEVIN

21 SOMMERVILLE, WALTER

26 WASHINGTON, PHILIP

28 GORRE, MARGAL

2TH

1400-1430 SESSION (2)

D-76 FOJELL, KELVIN

82 DAVIS, ALIKHAN

JOHNSON, TONIA

0700-1500

KL Rec

Fri May 23, 2009

LT Kretzmer

Asst ORCS2

0720-820

Session 1

Rec Area Searched

B-35

Garner, Andre (1)

NOTE:

Per H/U Deputies working B-69, B-54, C-59, C-69, C-54, D-59, D-69, W-54 - K/L minors + adults Refuse KL Rec 70

0825-0925 #2

E-31 Coffo, Raul - K/L Rec Area - minor (1)

0855-0950

Session #3 E-29 ATKINSON, Seymour E-33 Pydzewski, Anthony Adult K/L Rec (2)

0950-1050

Session #4 Adult K/L Rec E-42 Jackson Lemelle, E-44 Montanez, Eubanks E-46 Little John, Johann E-49 Anderson, Joshua (4)

1100-1300

10-10 Lunch Reliefs + D-14 Control

1300-1400

Session 5 - E-69 minors (2) E-18 Smith Deshawn E-19 Byers Curtis 70

NOTE: Per H/U Deputies working Delta North East E-1400 Refused KL Rec 70

Final (10) Total

0700-1500 K/L Rec Sunday May 24, 2009
 LT Webster Dep Puleo

0715-0815 1st session - rec area searched @1354

NOTE: Ym's on B-log, C-seg, C-log, C-short, Delta seg that attend K/L rec refusal per their H/u deputies

0730-0830 2nd session - Gulf south rec area searched - ① attended

Gulf #49 Horne, Dale

0830-0930 3rd session - Gulf rec area searched - ① attended

Gulf #51 Williams, James * Ym wanted to return to H/u @ 0855

0900-1000 4th session - Gulf rec area searched - ① attended

Delta #76 Powell, Kelvin

1000-1100 5th session - rec yard searched - ① attended

B-seg #35 Garner, Andre

1100-1300 Dep Puleo 10-10 Delta Control and lunch @1357

1300-1400 6th session - rec yard searched @1354

Echo short - adults - ④ attend

E #29 Atkinson, Seymour

E #33 Rydzewski, Anthony

E #41 Miller, Rayshawn

E #44 Montanez, Eriberto

1400-1430 7th session - rec yard searched @1354

Echo long minors - ② attend

E #18 Smith, Doshawn

E #21 Somerville, Walter

1430 End of turn. *John Puleo* 1354 (10) total

0700-0800 K/L REC MONDAY 5-25-09
LT Webster Dep. Price

0715-0815 1st session - Rec area searched, (1) ATTENDS (P)

E-17 COLLINS, BRIAN

NOTE: Per H/u deputies, 1/2's on B-seg, B-short, B-long, C-seg, C-short, D-seg, D-long, D-short, D-N/EAST all refused (P)

0830-0930 2nd session - Rec area searched on GULF, (1) ATTENDS (P)

E-50 WOODS, DEMOND

0930-1030 3rd session - Gulf Rec area searched, (1) ATTENDS (P)

E-57 WILLIAMS, JAMES

1000-1300 Dep. PRICE 10-10 DELTA CONTROL RELIEF + LUNCH (P)

1300-1400 4th session - Rec area searched - (1) ATTEND (Echo Long minors) (P)

EL-18 SMITH, DESTAN

EL-19 BYERS, CURTIS

EL-20 SKINNER, KEVIN

EL-21 SUMMERVILLE, WALTER

EL-26 WASHINGTON, PHILLIP

EL-28 GORCE, MARQUEL

1400-1430 5th session - Rec area searched - (1) ATTEND (Echo short-adults) (P)

E-33 RYDZEWSKI, ANTHONY

E-29 ATKINSON, SEYMOUR

E-41 MILLER, RAYSHAWN

E-42 JACKSON, LEMUELE

1430 END OF TOUR (13) TOTAL

K/L REC TUESDAY 5/26/09

LT WEBSTER Dep. O. Miller

0715-0815 1st session - Rec area searched

NOTE: 1/2's on B-long, B-short, B-seg, C-long, C-short, C-seg. Delta seg & Delta N/E all refused

0900 Dep. Price 10-8, Dep. Miller 10-10

1100-1300 Dep. C. Price 10-10 For Lunch + Relief. (P)

1300 E-29 ATKINSON SEYMOUR

E-30 CRUICKER ROBERT

E-33 RYDZEWSKI ANTHONY

1400 E-22 JACKSON JOSHUA

E-21 ~~Summerville Walter~~

1445 END OF TOUR TOTAL (5) (P)

0700-1500 K/L Rec Wednesday May 27, 2009
 Lt Webster Rep Puleo

0715-0815 Per 1/2 deputies on B-seg, B-long, B-short, C-seg, C-long, C-short, D-seg, D-short, All alternative rec 1/2's
 refused rec ① 1354

0725-0825 1st session - Rec yard searched
 Delta Long - ① attended
 D #16 Bradley, Anthony
 note: Gulf South Ym's taken to rec by Gulf South deputy

0830-0930 2nd session - Rec yard searched
 Echo short - adults ③ attend

Σ #29 Atkinson, Seymour
 Σ #33 Rydzewski, Anthony
 Σ #35 Oldham, Darrel

0940-1040 3rd session - Rec yard searched on Gulf - ① attended
 D #76 Powell, Kelvin

1100-1300 10-10 Delta Control then lunch

1300-1400 4th session - Rec yard searched
 Echo short - adults ③ attend

Σ #41 Miller, Rayshawn
 Σ #42 Jackson, Lemuele
 Σ #48 Meyers, Nate

1400-1430 5th session - Rec yard searched
 Echo Long miners ② attend

Σ #19 Byers, Curtis
 Σ #22 Jackson, Joshua

1430 End of tour. ⑩ total Gulf Puleo Puleo 1354

0700-1500 ✓ 12L Rec Thursday May 28 2009 /
 Lt Webster Sgt Reynolds Rep Scyrus

0725 Rec yard searched all 1/2 on B Long, B short, C short, C long
 + C seg, D seg, D long refused *

0730 Gulf rec taken by Gulf south deputy

0745 Sgt Reynolds on unit escorting Scott - Dr

0745 1st session (1) #49 Delta Short Scott ①

0845 2nd session rec yard on gulf searched (1) Powell Calvin ①

0945 3rd session rec yard searched (1) Garner Andre ①

11-1300 Delta Control relief then lunch ①

1300 Rec yard inspected Echo short Low side 36, 32, 33, 30, 29 ①

1345 4th session (3) attend 41, 42, 43.

1430 End of tour ⑪ total ②

0700-1800 K/L Rec Monday June 1, 2009
 Lt. Webster Dep McLeod

0715-0805 1st session - rec on Gulf searched - Gulf Salk
 #49 Horn, Dale, I'm elected to return at 0805

0805-0850 2nd session - rec area on Gulf searched -
 G-51 Woods, Desmond, I'm elected to return at 0850

0850-0950 3rd session - rec area on Gulf searched
 D-76 Powell, Kelvin

0955-1055 4th session - rec area searched
 C-17 Collins, Brian

1100-1300 Dep McLeod 10:10 Delta contact and lunch ☺

1300-1400 5th session Echo Short 4/5
 E-41 Miller, Regshaw
 E-42 Jackson, Lemuel
 E-43 Rivera, Carlos
 note All Echo Long and Echo Short minors refused ☺

1400-1430 6th session Echo Short 4/5
 E-33 Ryzewski, Anthony
 E-37 Jordan, Shakim
 E-32 Parks, Marquis
 E-34 Crutcher, Robert
 1430 end of tour, equipment to central (1) total J. McLeod #1358

700-1500 R/L Rec TUESDAY 2 June 09
 Lt Webster PFAIZER

7:00 1st session - Rec on Gulf - Rec YARD searched
 AVE #14 Powell, Kelvin

8:00 2nd session - R/L Rec - YARD SEARCH - BRAW-SEG
 GAMER, ANDR

9:00 3rd session - Rec YD searched - C-Long Collins, BRIAN

10:00 4th session - Echo-Short L-SIDE - #32 PARKS, MARQUIS
 #34 MACK, MARQUIS - #37 JORDAN, SHAKIM

10:40 Dep PFAIZER to lunch and relief

13:00 5th Echo-Short High-side ADEAN, JOSHUA

13:50 6th Group - Echo-Long minor - 9-15 Washington, Thomas -
 16 BERRY, TOMY - 18. Smith, Doshawn - 20 SKINNER, KEVIN
 23. MORGAN, BARRY - 24. SPENCER, SHAWN - 26. WASHINGTON, PHILIP
 27. COLLEY, MARKEE

14 total

0700-1500 K/L Rec Sunday June 7, 2009
 Lt Webster Dep Rilea

0710 All alternative rec Yms on B-Long, B-short, C-Long, C-short, C-seg, D-seg, D-Long, D-short
 refused rec per H/L deputies @1354

0715-0815 1st Session - Gulf rec yard searched - ① attend
 G 49 Horn, Dale - Ym had visit @ 0740
 All other Ym s. on Gulf south refused @1354

0745-0845 2nd Session - Gulf rec yard searched - ① attend
 D 76 Powell, Kelvin

0845-0945 3rd Session - K/L rec yard searched - ① attend
 B-35 Garner, Andre

0950 - 1050 4th Session - Rec yard searched - Echo Short Adults - ① attend
 E 49 Anderson, Joshua - note @ 1000 Ym wanted to return to H/L @1354

1000 - 1100 5th Session - Rec yard searched - Echo Short minors - ② attend
 E 31 Cotto, Ruel
 E 40 Morgan, Laquan

1100- 1300 Dep Rilea 10-10 to Delta Control and lunch @1354

1300-1400 6th Session - Rec yard searched - Echo Long minors - ② attend
 E 18 Smith, Deshaun
 E 19 Byes, Curtis

1400-1430 7th Session - Rec yard searched - Echo Long minors - ② attend
 E 21 Somerville, Walter
 E 28 Goree, Marquel

1430 End of tour. ⑩ total John Rilea Rilea 1354
 MONDAY 8 JUNE 09

Lt. Webster

PFA 12/24

7:30 - ALTERNATIVE Rec on GULF YARD Checkin
 7:50 - FIRST group - Powell, Kelvin
 8:20 - 2nd group - GARNER, ANDRE
 8:40 - 3rd group - Echo Long minors - BYES - GOREE
 9:20 - 4th group - SKINNER - Somerville
 10:50 - Lunch on Belvoir
 1300 - 5th group - E-Long South
 1420 - 6th group

①
 ①
 ③
 ②

TUESDAY 9 JUNE 09

Lt. Webster

①
 ①
 PFA 10

7:15 - inspect Rec YARD
 7:30 - 1st group Bravo seg GARNER, ANDRE
 0823 SGT P. EVANSON units Supervisor in town @
 8:50 2nd group - Echo Long 20 SKINNER, KEVIN
 9:00 3rd group - Echo Long 22 CASHY, SKIN

①
 ①
 ①

0700-1500 continued K/L Rec Friday June 12, 2009 LT Kibler Dep Puleo

1300-1400 4th session - Rec area searched - Echo short adults - (2) attend

E 32 Parks, Marquis

E 35 Oldham, Darrel

1350-1430 5th session - Rec yard searched - Echo Long minors (2) attend

E 16 Beasley, Toney

E 21 Sommerville, Walter

1430 End of tour. (8) total *Juan Puleo* Puleo 1354

SATURDAY JUNE 13 2009

0700-1500 DEP KLEIN LT KEBLER

0700 ALL APPEARS SECURE - RECEIVED RAIDS # 732 AND (6) KEYS

SECURITY AND SAFETY EQUIPMENT CHECKED PROVIDED LUGS (2) KEYS

0715-0815 1st SESSION - B-SEG

- GARNER, ANDRE

K/L REC OFFERED TO B-LONG - B-SHORT - C-SEG - C-LONG - C-SHORT - D-SEG - D-LONG - D-SHORT

ALL REFUSED - 7/11/09

0825-0925 2nd SESSION - GULF SOUTH REC

- POWELL, KELVIN

0935-1040 3rd SESSION - ECHO LONG MINORS

- BEASLEY, TONEY

- SOMMERVILLE, WALTER

11:00-13:00 BREAKS

PULLED TO CENTRAL *T. ALB*

0700-1500 K/L Rec Sunday June 14, 2009 LT Diina Dep Puleo

0700 K/L rec yard searched (1) 1354

0715-0815 1st session - Gulf south rec yard searched - (1) attended

G 49 Horn, Dale note: Ym had visit @ 0745

0750-0850 2nd session - Gulf rec yard searched - (1) attended

D 76 Powell, Kelvin

0855-0955 3rd session - K/L rec yard searched - (1) attended

B 35 Garner, Andre - Ym wanted to return to unit @ 0930

note: All K/L rec Ym's on B-long, B-short, C-seg, C-long, C-short, D-seg, D-long, D-short refused per #6 deputies @ 0951

0935-1035 4th session - K/L rec yard searched - Echo short minors - (3) attend

E 40 Billups, Travis

E 41 Scott, Percy

E 43 Rodriguez, Ramon note: Ym's returned to unit @ 0950. They were bored @ 1354

0955-1055 5th session - K/L rec yard searched - Echo Long minors - (2) attend

E 24 Thaggard, Jerome

E 26 Lucas, Ivan

1031 SGT. P. EVANSON unit + Supervisory Tan (P)

1100-1300 Dep Puleo 10-10 Delta Control then lunch @ 1354

ERIE COUNTY SHERIFF'S OFFICE



MEMORANDUM

To: Chief M. Reardon

From: Sgt. J. Weyand-Garrett

Date: June 15, 2009

Re: Inmate March, Adrienne

Inmate Adrienne March entered the Erie County Holding Center on 04/01/2009. I/M March was deemed a security risk and ordered as a Keep away from Inmate Asia Davis on 04/05/09 per Lt. Kretzman and Sgt. Kuppel. I/M March received an Administrative Seg Order/KLPH on 04/13/09 per Deputy Superintendent B. Leary.

I/M March alleges that she had not received her "whites" that her mother delivered to Wende on March 23. Per the Alpha log book, I/M March received "whites" delivered on 4/15/2009 by Dep. Beyers to her housing unit.

I/M March expressed complaint regarding her right to one hour of recreation.

On 04/09/09 Recreation was cancelled @ approximately 2113 hrs due to lighting problems per Dep. Higgins.

Per I/M March's Administrative Segregation Order dated 04/13/09, I/M March is restricted to alternative recreation ALONE.

On 04/16/09 Recreation was being held every three days per Dep. Higgins due to housing arrangements with Alpha, Delta & the minors.

The following information details I/M March's K/L recreation schedule:

04/30/09	@1519 hrs
05/02/09	@1510 hrs
05/06/09	@1954 hrs, refused rec
05/08/09	@1941 hrs, refused rec
05/10/09	@1920 hrs
05/12/09	@1855 hrs, refused rec
05/13/09	@1920 hrs, refused rec
05/17/09	@2025 hrs, refused rec
05/18/09	@1900 hrs, refused rec
05/19/09	@1905 hrs
05/21/09	@2018 hrs
05/22/09	@1935 hrs
05/23/09	@1900 hrs
05/24/09	@1945 hrs
05/25/09	@1913 hrs
05/26/09	@1953 hrs
05/27/09	@1931 hrs, refused
05/28/09	@1912 hrs
05/29/09	@2010 hrs
05/30/09	@1840 hrs
05/31/09	@1935 hrs
06/01/09	@1900 hrs
06/02/09	@1920 hrs
06/03/09	@1910 hrs, refused
06/04/09	@2130 hrs, refused
06/05/09	@1936 hrs
06/06/09	@1955 hrs

This investigation found that I/M March received recreation on a daily basis as of 5/13/09. Information was verified through Alpha Short log book and Keep Lock Rec Book, both kept on the deputies desk on Alpha Short.

Law Library Access:

I/M March expressed complaints about her right to access Law Library: As per the inmate handbook, if an inmate wishes to use the Law Library, they must send a request slip. Per the Alpha log book, I/M March was called for Law Library on 05/20/09 at 0817 hrs, and refused to attend.

I have requested a pink sheet from Dep. Sylvia O'Neal on I/M March's law library activity. (Please see attached.)

Religious Services:

Due to I/M March's Administrative Segregation Order effective 04/13/09, she may not attend religious services with the general population. I/M March must request ministerial visits in writing to the chaplain of her faith and individual services will be provided.

ERIE COUNTY SHERIFF'S OFFICE

TO Sgt W. [unclear] - [unclear]

DATE 6/15/09

FROM Dep. [unclear] [unclear]

SUBJECT Inmate 88107
March, Adrienne

I/m entered ECHC 3/24/09 (Tues)

I/m March has consistently been on KLNK and subsequently Administrative Segregation.

AD Seg Order of 4/13/09 has been followed because there has ~~to~~ not been any follow-up paper work. (see attachment #1)

- Request Date: 4/9/09 Attend date: 4/10/09 see attach #2 + #3
- Request Date: 4/13/09 I/m called 4/15/09 - I/m Refused see #4 + #5
- Request Date: 5/18 + 5/20 I/m called 5/20/09 - I/m Refused see #6 #7 #8
- Request Date 6/10/09 I/m called 6/12/09 - I/m Refused #9 + #10

I/m March is called as frequently as she drops ships, she is called, then it is her choice to attend or refuse.

Dep. [unclear] [unclear]

ADMINISTRATIVE SEGREGATION ORDER KEEP LOCK PENDING DISCIPLINE HEARING

Name Of Inmate:	<i>Adrienne March</i>	Watch Commander	<i>Atkinson</i>
ICN #	<i>88107</i>	Signature:	<i>Sgt Kneel</i> <i>B. Bleary, Dep. Supt</i>
Date / Time:	<i>4-13-09</i>		

On this date, an Administrative Segregation Order (Keep Lock) has been issued to you because of the attached disciplinary charges and because you have engaged in behavior which endangers the safety, security and good order of the facility, specifically throwing liquid @ Deputy Jackson on April 12, 2009

- Based upon available information, the following decision has been made:
- Remove Administrative Segregation /Keep Lock
 - You have been classified as a SECURITY RISK
 - You have been classified as an ESCAPE RISK

In addition, the following administrative restrictions shall apply to you:

- Housing: You will be housed in: _____ under the following conditions.
- Constant Supervision.
 - You may not co-mingle with other inmates and will receive time out of your cell alone.
- Movement:
- Deputy Escort.
 - Deputy / Supervisor Escort. *Sgt Kneel*
 - Restrained with handcuffs whenever transported within the facility.
 - Restrained with handcuffs and leg shackled whenever transported within the facility.
- Recreation:
- You will attend recreation with your housing area.
 - You will attend alternative recreation.
 - You will attend alternative recreation ALONE.
 - Restraints to remain in place during recreation.
- Visitation:
- Contact visitation.
 - Non-contact visitation.
 - Non-contact visitation ALONE.
 - Restraints will remain in place during visitation.
- Religious Services
- You may attend congregate worship services with the general population.
 - You may not attend congregate worship services with the general population. Instead, You may request ministerial visits in writing to the chaplain of your faith and individual Religious services will be provided.
- Library
- You may attend the library / law library with the general population.
 - You may not attend the library with the general population. You may submit written Requests for an appointment to attend the Law Library alone.
 - You may not attend the law library. You may submit written requests for specific legal Materials and every reasonable effort will be made to provide them to you in your Housing unit.

Inmate Response to Chief Administrative Officer / Designee (may be written or oral)

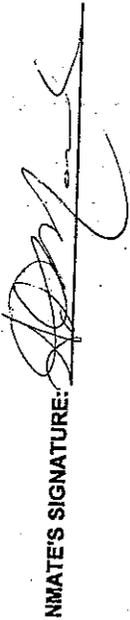
CAO/ Designee Order Review Action

Signature CAO / Designee _____ Date _____ Time _____

LAW LIBRARY REQUEST

NAME: Adrienne March ICN: 88107 UNIT: Alpha-Stein CELL#: 39 DATE: 4/9/09

- REQUESTING ACCESS TO LAW LIBRARY LEGAL RESEARCH MATERIALS
- REQUESTING SPECIAL U.S. POSTAGE [OVERWEIGHT / OVERSIZED / LEGAL / CERTIFIED]

INMATE'S SIGNATURE: 

WHEN REQUESTING SPECIAL POSTAGE YOU MUST BRING YOUR SPECIAL MAIL ITEM WITH YOU TO THE LAW LIBRARY.

COMPLETED: 4/10/09

JMD202 REV. 04/2003

Attach #3

Thursday April 9, 2009

- Ty1 Hager
- 2 Zamiatowski
- 3 Karkas
- 4

Dep Sm Ordeal
 Stone
 Radio #233
 #9 Key 10 Key
 Fire Equip

Public: BRAVO Const OBS DNE FoxSO Echo South
 Gulf North

* K-9 + AJ on unit 1/1m E 30 ^{see pg 40} Shopped at Court - 1/1m 1/2 DOC
 Female Inmates notified of being open Fri (Hol - Good Fri.)
 0924 Dep Russo in library w/ Bravo con obs. Jarroback, Lesarvo (SP)
 1400 Dep Rivera in library w/ Delh 1:1 #59 Cont'd by Adams @

Friday April 10, 2009

Holiday

Dep Sm Ordeal
 Stone

- Ty1 Hager
- 2 Zamiatowski
- 3 Karkas
- 4

Radio #233
 #9 Key 10 Key
 Fire Equip

Public: Alpha OBS. Alphalong Alpha Short Delta Fern
 Echo Dorm

0950 Dep. K. Ashburn B71 escorted & remained with inmates
 Graham & Mitchell to public library from Alpha Costa
 Observation (K) B71

1030 Dep. O'Connell and K-9 NINA on unit @

1/1m Ash March & 1/1m Ash Davis are KAF - 1/1m Davis
 called last

Monday April 13, 2009

- Ty1 Hager
- 2 Karkas
- 3 Zamiatowski - Am only
- 4

Dep Sm Ordeal
 Stone
 Radio #233
 #9 Key 10 Key
 Fire Equip

Public: Delalong Segmm / Delta Short / ENE / Charlie Short

LAW LIBRARY REQUEST

NAME: Abbas 7/15 ICN: 83107 UNIT: Alpha Seg CELL#: 36 DATE: 7/13/09

REQUESTING ACCESS TO LAW LIBRARY LEGAL RESEARCH MATERIALS

REQUESTING SPECIAL U.S. POSTAGE [OVERWEIGHT / OVERSIZED / LEGAL / CERTIFIED]

INMATE'S SIGNATURE: Abbas 7/15 AD Sec - Alondra Dool/Sep Escort

WHEN REQUESTING SPECIAL POSTAGE YOU MUST BRING YOUR SPECIAL MAIL ITEM WITH YOU TO THE LAW LIBRARY.

COMPLETED: 7/15

JMD202 REV. 04/2003

5

Tuesday April 14, 2009

- Tyler Hager
- 2 Karikos
- 3 Zamiatowski
- 4

Dep Sm O'Neal
 Steve
 Radio # 233
 #9 Key 10100
 Fire Equip

Public's Delta OBS Charlie Long/Seg Fox No Foxcast
 Echo Long

0805 Dep. Birdy + Ke CIPROS on unit. srch. conducted. Neg - findings. (B)

0905 DEP M. HANUS IN LIBRARY FROM POMA CONST OBS ALL 11/15

ATTEND PUBLIC LIBRARY (M)

- * Per Dep. McMan Echo Short is Locked down pending investigation as per Sgt Ledesma
- * Sgt. Webster on unit to escort 1/m C-14 Thomas Jeremy (109290) to & from Public & Law Library
- * Sgt. Ledesma on unit to escort 1/m B50 Gosson Conday (9733) to & from Public & Law Library

Wednesday April 15, 2009

- Tyler Karikos
- 2 Hager
- 3 Zamiatowski
- 4

Dep Sm O'Neal
 Steve
 Radio # 233
 #9 Key 10100
 Fire Equip

Public's Charlie Const OBS Bravo Long Bravo Short Bravo Seg
 P.M. Female LAW

- * 7:11 AM A 36 March Adrienne (88107) called for Library - she refused per Dep Karakovich - 1/m to AD Seg - attend Alone (Supe Dept sent)
- * AD Seg Sheets for 1/m A Dallas ASIA 8905 And 1/m A 36 March Adrienne 88107 on Page - 488

* Per Dep Bingham - Charlie Constant OBS - All

ERIE COUNTY SHERIFF'S OFFICE
JAIL MANAGEMENT DIVISION

TO:

Liberty

3

6

SUPT.:

LEUTENANT SERGEANT:

CHAPLAIN:

NOTARY:

PRE-TRIAL:

DATE:

DEPUTY SIGNATURE:

INMATE'S NAME:

ICN#:

REQUEST:

DISPOSITION:

DEP. SUPT.:

CLERK:

SPECIAL SERVICE OFFICER:

CLINIC:

OTHER (SPECIFY):

DATE: *5/12/09*

TIME: *20 09*

HOUSING UNIT: *10:30 AM*

DEPUTY SIGNATURE: *[Signature]*

INMATE'S NAME: *Alvario, W/and*

ICN#: *83109*

REQUEST: *Do go to the kitchen for your materials*

DISPOSITION: *On hold on a day not working before me to go*

BADGE NO.: *1310*

CELL #: *417*

5/20/09 @ 8:15

Jim Raymond PA

Up Hall

IF YOU WISH TO FILE A GRIEVANCE,
PLEASE REFER TO THE INMATE HANDBOOK
ON PROPER PROCEDURE TO FILE

LAW LIBRARY REQUEST

NAME: Abner M. Ford ICN: 88107 UNIT: Alpha Short CELL#: 47 DATE: 5/20/03

REQUESTING ACCESS TO LAW LIBRARY LEGAL RESEARCH MATERIALS

REQUESTING SPECIAL U.S. POSTAGE [OVERWEIGHT / OVERSIZED / LEGAL / CERTIFIED]

INMATE'S SIGNATURE: Abner M. Ford

KLNP AD 509

WHEN REQUESTING SPECIAL POSTAGE YOU MUST BRING YOUR SPECIAL MAIL ITEM WITH YOU TO THE LAW LIBRARY.

COMPLETED: 5/20

Edward on DDP Edward
UMD202 REV. 04/2003

#8

Wednesday May 20, 2009

Ty1 Karkas

2

3

4

Zamistowski A/PECIF 5/20 centered

Public: Charlie OBS / Bravo Seg / Bravo Long / Bravo Short
PM - Female Law - Alpha Seg Alpha OBS Alpha Short
Delta Firm

Dep Sm O'Neal
Steve

Radio #233

#9 Key 10 Keys

Fire Equip ✓

* 11m W 42 Anderson, Charles (82860) Law/Public Lib
- Alone - Dep Escort (sm) 7:35 in 8:45 OUT

* A47 March Adriano (88107) offered Law
Library - per Dep W A/L - 1m Released sm

* 9:00 am - Per Dep _____ - All of Bravo Long sh seg
is locked down

* 9:30 - No Dep escorts available / done due to am call stack
No Bravo public library

* Mr. Kuehn on unit - Brief Tom Sm D 10 59

Thursday May 21, 2009

Ty1 Karkas

2 Jamison

3 Hagan (B sh - Temp) - Law

4

Dep Sm O'Neal
Steve

Radio #233

#9 Key 10 Keys

Fire Equip ✓

Public: Bravo C OBS Forso Echoso DNE

* Public/Law Library offered to 1m Powell Kelvin 101395
(D-76) - Dep Escort - Alone - AD Seg Sheet pg 520

0935 DEP. P. EGZA ESPORTING @ JIMARES FROM B CON OBS

1045 DEP. O'CONNOR AND K-9 NINA ON UNIT. @

* Received AD Seg - 1m B35 Garner, Andre
Dep Escort - Alone pg 480 - sm

Friday May 22, 2009

Ty1 Jamison

2 Karkas

PM 3 Hagan (Temp - Bsh) - Law

Dep Sm O'Neal
Steve

Radio #233

#9 Key 10 Keys

NAME: Abrienne Masch ICN: 88107 UNIT: Alpha Short Cell # 44 DATE: 6/10/07

- REQUESTING ACCESS TO LAW LIBRARY LEGAL RESEARCH MATERIALS
- REQUESTING SPECIAL U.S. POSTAGE [OVERWEIGHT / OVERSIZED / LEGAL / CERTIFIED]

INMATE'S SIGNATURE: Abrienne Masch Julie Druko 75
WHEN REQUESTING SPECIAL POSTAGE YOU MUST BRING YOUR SPECIAL MAIL ITEM WITH YOU TO THE LAW LIBRARY.
Request 8/12/09

COMPLETED: 6/12/09

JMD202 REV. 04/2003

Friday June 12, 2009
Ty1 Hager (Temp Law Bsh)
2 Callahan
PM 3 Karkos
4

Dep Smd Dnr
Stene
Radio # 233
9 by 10 Kkr
Fire Equip

Public: Alpha Seg / Alpha Const Obs / Alpha short / Delta
Echo Dorn

A/HF March Adrienne 88107 offered Law Library
1/m Request per Dep Dnr at 7:35 pm

I inquired of Capt. Hartman if he intends to
change the Admin Seg order for 1/m Butler
Rick - Capt. Hartman said "he would look into it"

* 1/m Butler has not submitted a request slip to
attend the library
* PG slip to Sgt Reynolds - 1/m Anderson Charles
request to attend the library - 1/m mini
submit a library request slip Smd 1009 =
see pg 70

* Dep Hager escorted 2 Female 1/m's from A Camp DE
Monday June 15, 2009

Ty1 Callahan
2 Karkos
3 Hager (Temp - LAW - BSH/8)
4
Dep Smd Dnr
Stene
Radio # 233
9 by 10 Kkr
Fire Equip

Public: Delta Long Seg mm / Delta short / ENE
Charlie short

* Reviewed 4 Administrative Segregation Orders
1/m Balance, Quincy 66188 E 33 Dep Smd - attend Alt
page 476

1/m Lawrence, Antoine 79105 E 36 Dep Smd - attend Alt
page 476

1/m Miller Rayshawn 67788 Dep Smd - attend Alt E 29
page 476

**ADMINISTRATIVE SEGREGATION ORDER
KEEP LOCK PENDING DISCIPLINE HEARING**

Log Book
Pg. 1 C. DIAZ
Pg. 1 of
Suzanneas

Name Of Inmate:	<u>Walt Bow Tony</u>	Watch Commander	<u>L.T. KAPLAN</u>
ICN #	<u>14646</u>	Signature:	<u>[Signature]</u>
Date / Time:	<u>6/20/09</u>		<u>0955</u>

On this date, an Administrative Segregation Order (Keep Lock) has been issued to you because of the attached disciplinary charges and because you have engaged in behavior which endangers the safety, security and good order of the facility, specifically Refusal to move to lock - THREATS TO STAFF

Based upon available information, the following decision has been made:

- Remove Administrative Segregation /Keep Lock
- You have been classified as a SECURITY RISK
- You have been classified as an ESCAPE RISK

In addition, the following administrative restrictions shall apply to you:

Housing: You will be housed in: C-49 under the following conditions.

- Constant Supervision.
- You may not co-mingle with other inmates and will receive time out of your cell alone.

Movement: Deputy Escort.

- Deputy / Supervisor Escort.
- Restrained with handcuffs whenever transported within the facility.
- Restrained with handcuffs and leg shackled whenever transported within the facility.

Recreation: You will attend recreation with your housing area.

- You will attend alternative recreation.
- You will attend alternative recreation ALONE.
- Restraints to remain in place during recreation.

Visitation: Contact visitation.

- Non-contact visitation.
- Non-contact visitation ALONE.
- Restraints will remain in place during visitation.

Religious Services: You may attend congregate worship services with the general population.

- You may not attend congregate worship services with the general population. Instead, You may request ministerial visits in writing to the chaplain of your faith and individual Religious services will be provided.

Library: You may attend the library / law library with the general population.

- You may not attend the library with the general population. You may submit written Requests for an appointment to attend the Law Library alone.
- You may not attend the law library. You may submit written requests for specific legal Materials and every reasonable effort will be made to provide them to you in your Housing unit.

Inmate Response to Chief Administrative Officer / Designee (may be written or oral)

CAO/ Designee Order Review Action

Signature CAO / Designee

Date

Time

SHERIFF'S OFFICE
 MANAGEMENT DIVISION
INCIDENT REPORT

Date 6/14/09

Inc 09-237

CL: 940498

PERSONS INVOLVED

1. Name: Lindenau Norman ICN: 25097 H/U: B-3 Age: 34 Race W

Address: [REDACTED] Prim. Chg: 140.25 Burglary 2nd Bail 2000

2. Name: Miller Rayshawn ICN: 67788 H/U: B-5 Age: 26 Race B

Address: [REDACTED] Prim. Chg: 125.25 Murder Bail 105

3. Name: Balance Quincy ICN: 66188 H/U: B-9 Age: 25 Race B

Address: [REDACTED] Prim. Chg: 120.05 Assault 2nd Bail 35

4. Name: Jackson Lemule ICN: 83560 H/U: B-11 Age: 22 Race B

Address: [REDACTED] Prim. Chg: 125.25 Murder Bail: non

INCIDENT

Category: 01-01 Inmate/Inmate assault (# 5 listed below)

Discovered by: Deputy Carney Date: 6/14/09 Time: 0840hrs

Responding Supervisor: Sgt. LoDestro Notified 0840hrs Arrived: 0841hrs

Assisting Officers: _____

Witnesses: _____

Injuries to Staff:

Injuries to Inmates:

Injuries to Others:

ACTION TAKEN

<input type="checkbox"/> Use of Force Form filed	<input checked="" type="checkbox"/> Medical Treatment INFIRMARY	<input checked="" type="checkbox"/> Disciplinary charges file
<input type="checkbox"/> NYS-COC - 011 Report form	<input type="checkbox"/> Medical treatment HOSPITAL	<input checked="" type="checkbox"/> Criminal charges filed
<input type="checkbox"/> C-2 Injury Report filed	<input type="checkbox"/> Decontamination OC SPRAY	<input checked="" type="checkbox"/> Interview of VICTIM (S)
<input type="checkbox"/> Exposure Incident Report file	<input type="checkbox"/> Decontamination BLOOD/B.F.	<input checked="" type="checkbox"/> Interview of SUSPECT (S)
<input type="checkbox"/> Liability waivers filed	<input checked="" type="checkbox"/> Pictures taken #: <u>1</u>	<input checked="" type="checkbox"/> Interview of WITNESS (S)
<input type="checkbox"/> QET Team used	<input type="checkbox"/> Housing Area Evacuated	<input type="checkbox"/> Evidence collected
<input type="checkbox"/> Video taken	<input checked="" type="checkbox"/> Admin. Segregation ordered	<input type="checkbox"/> H.A. K/L pending Invest.
<input checked="" type="checkbox"/> Housing referrals made	<input checked="" type="checkbox"/> Keep Away orders issued	<input type="checkbox"/> Other (see Narrative)

Inv. Services follow up

Detective: _____

date - time: _____

Superintendent's Review: [Signature]

Conducted by: [Signature] Date: 6-16-09

[Handwritten mark]

INCIDENT REPORT

Narrative

On 6/11/09 at approximately 0840hrs I was notified by Deputy Carney that Bravo Long low side was locked in due to a pushing and shoving incident involving several inmates. When I responded Deputy Carney informed me that after hearing sounds of a scuffle on the low side he investigated and observed inmates Jackson Lemule, Balance Quincy, Miller Rayshawn and Lawrence Antoine shoving pushing and harassing inmate Lindenau Norman. Deputy Carney stated that he ordered all inmates to lock in several times and they then complied.

Lindenau was escorted to the infirmary where Nurse Davidson evaluated him. Lindenau was complaining that he was pushed from behind and struck his head on the table. He had slight swelling and superficial scratches on the left side of his head. He complained of no other injuries and none were observed. Lindenau then also identified Jackson, Balance, Miller and Lawrence as the inmates involved and stated "they were trying to get me to fight for the past couple days".

Inmates Lawrence Antoine, Miller Rayshawn and Balance Quincy were moved to Echo short and placed on Keep lock pending hearing status. While being moved all 3 denied that they were involved. Jackson

was also moved to Echo short until housing can be arranged on Gulf South. He also denied any involvement and claimed he was at the other end of the gallery. A canvas for reliable witnesses was conducted with negative results.

Due to the nature of this incident Patrol Services were contacted. Keep away's were placed, disciplinary action was initiated and administrative segregation orders submitted.

5. Name: Lawrence Antoine

ICN: 79765

H/U: B-12

AGE: 24

RACE: B

Prim. Chrg. 140.25 Burglary

Bail: 16,500

SIGNATURES

Supervisor: <u>[Signature]</u>	<u>A. LaDesno</u>	Rank <u>ST</u>	Date: <u>6/14/09</u>
Officer: _____	Badge: _____	Officer: _____	Badge: _____
Officer: _____	Badge: _____	Officer: _____	Badge: _____

MEDICAL REPORT

Exam Date: 6/14/09

Exam time: 8:40 AM

Result

Inmate Brought to Medical stated he got hit by peer
in back of head & raised areas of marks noted
Rt. Side of face Superficial scratches on forehead & on
cheek area Small raised area noted I'll pack given
to notify medical if further co

[Signature]

Signature of Physician/Extern:

ERIE COUNTY SHERIFF'S OFFICE

TO Sgt. LodestroDATE 6/14/09FROM Dep CarneySUBJECT Bravo Long 10-40

On the above date at approx 0840 I heard sounds of a scuffle on Bravo Long low side. I observed I/m #11 Jackson, Lemeute initiate an assault on #3 Lindenau, Norman. I/m Jackson began pushing and shoving I/m Lindenau. Three other I/m's joined in the assault #5 Miller, Rayshawn, #9 Balance, Quinol, and #12 Lawrence, Antoine also pushing and shoving I/m Lindenau. I/m Jackson was observed laughing during the incident. All I/m's were ordered to lock-in and complied. Sgt LOD notified.

J Carney 1181

ADMINISTRATIVE SEGREGATION ORDER KEEP LOCK PENDING DISCIPLINE HEARING

Written Statement

Name Of Inmate	<i>Balwick Quincy</i>	Order Date/Time	<i>6/14/09 0900</i>
ICN #	<i>66188</i>	Review by Date/Time	

On this date, an Administrative Segregation Order (Keep Lock) has been issued to you because of the attached disciplinary charges and because you have engaged in behavior which endangers the safety, security and good order of the facility, specifically *Fighting / Harassing / Threatening other Inms*

Based upon available information, the following decision has been made:

- Remove Administrative Segregation /Keep Lock
- You have been classified as a SECURITY RISK
- You have been classified as an ESCAPE RISK

In addition, the following administrative restrictions shall apply to you:

Housing: You will be housed in: *E-33* under the following conditions.
 Constant Supervision.
 You may not co-mingle with other inmates and will receive time out of your cell alone.

Movement: Deputy Escort.
 Deputy / Supervisor Escort.
 Restrained with handcuffs whenever transported within the facility.
 Restrained with handcuffs and leg shackled whenever transported within the facility.

Recreation: You will attend recreation with your housing area.
 You will attend alternative recreation.
 You will attend alternative recreation ALONE.
 Restraints to remain in place during recreation.

Visitation: Contact visitation. *Placed Close to Deputy*
 Non-contact visitation.
 Non-contact visitation ALONE.
 Restraints will remain in place during visitation.

Religious Services: You may attend congregate worship services with the general population.
 You may not attend congregate worship services with the general population. Instead, You may request ministerial visits in writing to the chaplain of your faith and individual Religious services will be provided.

Library: You may attend the library / law library with the general population.
 You may not attend the library with the general population. You may submit written Requests for an appointment to attend the Law Library alone.
 You may not attend the law library. You may submit written requests for specific legal Materials and every reasonable effort will be made to provide them to you in your Housing unit.

Inmate Response to Chief Administrative Officer / Designee (may be written or oral)

*originals
M. Glass*

CAO/ Designee Order Review Action *By Dean 6-15-09 - 9:45 am Keep*
Order reviewed - continued keeplock until
planned

Signature CAO / Designee *LT TR J. D.* Date *6/14/09* Time *1100 HRS*

**ADMINISTRATIVE SEGREGATION ORDER
KEEP LOCK PENDING DISCIPLINE HEARING**

Pg. 1
DAE

Written Statement

Name Of Inmate	<i>Miller Rayshawn</i>	Order Date/Time	<i>6/14/09 0900</i>
ICN #	<i>67788</i>	Review by Date/Time	

On this date, an Administrative Segregation Order (Keep Lock) has been issued to you because of the attached disciplinary charges and because you have engaged in behavior which endangers the safety, security and good order of the facility, specifically *Fighting - Harassing - Threatening other*
This

Based upon available information, the following decision has been made:

- Remove Administrative Segregation /Keep Lock
- You have been classified as a SECURITY RISK
- You have been classified as an ESCAPE RISK

In addition, the following administrative restrictions shall apply to you:

Housing: You will be housed in: *E-29* under the following conditions.
 Constant Supervision.
 You may not co-mingle with other inmates and will receive time out of your cell alone.

Movement: Deputy Escort.
 Deputy / Supervisor Escort.
 Restrained with handcuffs whenever transported within the facility.
 Restrained with handcuffs and leg shackled whenever transported within the facility.

Recreation: You will attend recreation with your housing area.
 You will attend alternative recreation.
 You will attend alternative recreation ALONE.
 Restraints to remain in place during recreation.

Visitation: Contact visitation. *Placed Close to Deputy*
 Non-contact visitation.
 Non-contact visitation ALONE.
 Restraints will remain in place during visitation.

Religious Services: You may attend congregate worship services with the general population.
 You may not attend congregate worship services with the general population. Instead, You may request ministerial visits in writing to the chaplain of your faith and individual Religious services will be provided.

Library: You may attend the library / law library with the general population.
 You may not attend the library with the general population. You may submit written Requests for an appointment to attend the Law Library alone.
 You may not attend the law library. You may submit written requests for specific legal Materials and every reasonable effort will be made to provide them to you in your Housing unit.

Inmate Response to Chief Administrative Officer / Designee (may be written or oral)

*originals
in class.*

CAO/Designee Order Review Action *Reviewed - 6-15-09 9:40am Keep*
lock Order reviewed, continue keep lock

Signature CAO / Designee *WTR J. D.* Date *6/14/09* Time *12:00 PM*

ADMINISTRATIVE SEGREGATION ORDER KEEP LOCK PENDING DISCIPLINE HEARING

Written Statement

Name Of Inmate	<u>Lundbeck Antoine</u>	Order Date/Time	<u>6/14/09 0900</u>
ICN #	<u>79765</u>	Review by Date/Time	

On this date, an Administrative Segregation Order (Keep Lock) has been issued to you because of the attached disciplinary charges and because you have engaged in behavior which endangers the safety, security and good order of the facility, specifically Fighting - Harassing another Inm

Based upon available information, the following decision has been made:

- Remove Administrative Segregation /Keep Lock
- You have been classified as a SECURITY RISK
- You have been classified as an ESCAPE RISK

In addition, the following administrative restrictions shall apply to you:

Housing: You will be housed in: E-36 under the following conditions.

- Constant Supervision.
- You may not co-mingle with other inmates and will receive time out of your cell alone.

Movement: Deputy Escort.

- Deputy / Supervisor Escort.
- Restrained with handcuffs whenever transported within the facility.
- Restrained with handcuffs and leg shackled whenever transported within the facility.

Recreation: You will attend recreation with your housing area.

- You will attend alternative recreation.
- You will attend alternative recreation ALONE.
- Restraints to remain in place during recreation.

Visitation: Contact visitation. Placed Close to Deputy

- Non-contact visitation.
- Non-contact visitation ALONE.
- Restraints will remain in place during visitation.

Religious Services: You may attend congregate worship services with the general population.

You may not attend congregate worship services with the general population. Instead, You may request ministerial visits in writing to the chaplain of your faith and individual Religious services will be provided.

Library: You may attend the library / law library with the general population.

You may not attend the library with the general population. You may submit written Requests for an appointment to attend the Law Library alone.

You may not attend the law library. You may submit written requests for specific legal Materials and every reasonable effort will be made to provide them to you in your Housing unit.

Inmate Response to Chief Administrative Officer / Designee (may be written or oral)

*Originals
in Class*

CAO/ Designee Order Review Action Bleday 6/15/09 904am
Keep lock order reviewed - continued keeplock
until hearing

Signature CAO / Designee [Signature] Date 6/14/09 Time 1200

ADMINISTRATIVE SEGREGATION ORDER
KEEP LOCK PENDING DISCIPLINE HEARING

(D)

Written Statement

Name Of Inmate	JACKSON LEMUELE	Order Date/Time	6/14/09 0900
ICN #	83560	Review by Date/Time	

On this date, an Administrative Segregation Order (Keep Lock) has been issued to you because of the attached disciplinary charges and because you have engaged in behavior which endangers the safety, security and good order of the facility, specifically Fighting Harassing Threatening Another

IN - CONTINUED THREAT BASED ON HISTORY AND DOCUMENTED THREATS TO STAFF

Based upon available information, the following decision has been made:

- Remove Administrative Segregation /Keep Lock
- You have been classified as a SECURITY RISK
- You have been classified as an ESCAPE RISK

In addition, the following administrative restrictions shall apply to you:

Housing: You will be housed in: C- under the following conditions.

- Constant Supervision.
- You may not co-mingle with other inmates and will receive time out of your cell alone.

Movement:

- Deputy Escort.
- Deputy / Supervisor Escort.
- Restrained with handcuffs whenever transported within the facility.
- Restrained with handcuffs and leg shackled whenever transported within the facility.

Recreation:

- You will attend recreation with your housing area.
- You will attend alternative recreation.
- You will attend alternative recreation ALONE.
- Restraints to remain in place during recreation.

Visitation:

- Contact visitation.
- Non-contact visitation.
- Non-contact visitation ALONE.
- Restraints will remain in place during visitation.

Religious Services

- You may attend congregate worship services with the general population.
- You may not attend congregate worship services with the general population. Instead, You may request ministerial visits in writing to the chaplain of your faith and individual Religious services will be provided.

Library

- You may attend the library / law library with the general population.
- You may not attend the library with the general population. You may submit written Requests for an appointment to attend the Law Library alone.
- You may not attend the law library. You may submit written requests for specific legal Materials and every reasonable effort will be made to provide them to you in your Housing unit.

Inmate Response to Chief Administrative Officer / Designee (may be written or oral)

[Signature] Original w/ Doc in classification

CAO/ Designee Order Review Action

In place pending hearing. 903 AM 6/15/09 - Keep lock remains

Signature CAO / Designee

[Signature]

Date

6/14/09

Time

1200 hrs

Kinney Logbook pg 6 Rt 6/24/09

Erie County Sheriff's Office

**ADMINISTRATIVE SEGREGATION ORDER
KEEP LOCK PENDING DISCIPLINE HEARING**

*Rec'd from
Deputy
Mallory
Class Office*

Name Of Inmate:	<i>Myers, Nate</i>	Watch Commander	<i>Lt. Isch</i>
ICN #	<i>23321</i>	Signature:	<i>[Signature]</i>
Date / Time:	<i>5/25/09</i>	<i>1937</i>	

On this date, an Administrative Segregation Order (Keep Lock) has been issued to you because of the attached disciplinary charges and because you have engaged in behavior which endangers the safety, security and good order of the facility, specifically *Inmate Fight*

Based upon available information, the following decision has been made:

- Remove Administrative Segregation / *Keep Lock* *K L P H*
- You have been classified as a SECURITY RISK _____
- You have been classified as an ESCAPE RISK _____

In addition, the following administrative restrictions shall apply to you:

Housing: You will be housed in: *Echo #48* under the following conditions.

- Constant Supervision.
- You may not co-mingle with other inmates and will receive time out of your cell alone.

Movement: Deputy Escort.

- Deputy / Supervisor Escort.
- Restrained with handcuffs whenever transported within the facility.
- Restrained with handcuffs and leg shackled whenever transported within the facility.

Recreation: You will attend recreation with your housing area.

- You will attend alternative recreation.
- You will attend alternative recreation ALONE.
- Restraints to remain in place during recreation.

Visitation: Contact visitation.

- Non-contact visitation.
- Non-contact visitation ALONE.
- Restraints will remain in place during visitation.

Religious Services: You may attend congregate worship services with the general population.

- You may not attend congregate worship services with the general population. Instead, You may request ministerial visits in writing to the chaplain of your faith and individual Religious services will be provided.

Library: You may attend the library / law library with the general population.

- You may not attend the library with the general population. You may submit written Requests for an appointment to attend the Law Library alone.
- You may not attend the law library. You may submit written requests for specific legal Materials and every reasonable effort will be made to provide them to you in your Housing unit.

Inmate Response to Chief Administrative Officer / Designee (may be written or oral)

CAO/ Designee Order Review Action *RELEASED FROM ICEPT*

Signature CAO / Designee *[Signature]*
Date *5/26/09* Time *0730*

RK 6/24/09
Rec'd from
B Leary
Dep Sup

Erie County Sheriff's Office

ADMINISTRATIVE SEGREGATION ORDER
KEEP LOCK PENDING DISCIPLINE HEARING

Name Of Inmate:	Myers, Nate	Watch Commander	LT. Isch
ICN #	23321	Signature:	<i>[Signature]</i>
Date / Time:	5/25/09	1937	

On this date, an Administrative Segregation Order (Keep Lock) has been issued to you because of the attached disciplinary charges and because you have engaged in behavior which endangers the safety, security and good order of the facility, specifically Inmate Fight

Based upon available information, the following decision has been made:

- Remove Administrative Segregation / Keep Lock K LPH
- You have been classified as a SECURITY RISK
- You have been classified as an ESCAPE RISK

In addition, the following administrative restrictions shall apply to you:

- Housing: You will be housed in: Echo #48 under the following conditions.
- Constant Supervision.
 - You may not co-mingle with other inmates and will receive time out of your cell alone.
- Movement: Deputy Escort.
- Deputy / Supervisor Escort.
 - Restrained with handcuffs whenever transported within the facility.
 - Restrained with handcuffs and leg shackled whenever transported within the facility.
- Recreation: You will attend recreation with your housing area.
- You will attend alternative recreation.
 - You will attend alternative recreation ALONE.
 - Restraints to remain in place during recreation.
- Visitation: Contact visitation.
- Non-contact visitation.
 - Non-contact visitation ALONE.
 - Restraints will remain in place during visitation.
- Religious Services: You may attend congregate worship services with the general population.
- You may not attend congregate worship services with the general population. Instead, You may request ministerial visits in writing to the chaplain of your faith and individual Religious services will be provided.
- Library: You may attend the library / law library with the general population.
- You may not attend the library with the general population. You may submit written Requests for an appointment to attend the Law Library alone.
 - You may not attend the law library. You may submit written requests for specific legal Materials and every reasonable effort will be made to provide them to you in your Housing unit.

Inmate Response to Chief Administrative Officer / Designee (may be written or oral)

CAO/ Designee Order Review Action Approved

Barbara Leary 5/26/09 10:50am
 Signature CAO / Designee Date Time

Policy and Procedure



JAIL MANAGEMENT DIVISION:

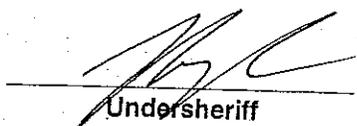
Inmate Grievance Program

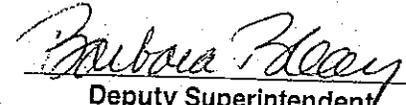
Policy

Approved

#JMD 04.02.05

Total Pages: 2


Undersheriff


Deputy Superintendent

Effective Date: April 1990

Revision Date: 3/09; 8/03; 9/02; 8/99; 8/97; 8/90

NYSCOC Standards: 7032

NYSSAI Accreditation:

Other References:

POLICY:

In order to provide for the effective and timely resolution of inmate complaints and to comply with 9NYCRR7032 a formal process has been instituted for managing inmate grievances.

PROCEDURE:

- The attached Inmate Grievance Form and supplement shall be utilized.
- A supply of Inmate Grievance Forms and supplements shall be maintained in the housing area deputy's desk on each housing area.
- When an inmate has a complaint, the housing area deputy shall make every effort to informally resolve the issues.
- If the housing area deputy is unable to resolve the issues or the inmate specifically requests a Grievance form, a Grievance form shall be issued to the inmate and the issuance shall be recorded in the housing area log book.
 - In the upper right hand corner of the Grievance form the issuing deputy shall write the date issued, the issue being grieved and their name.
- The inmate shall submit the grievance form along with any additional documents to the housing area deputy when complete.
 - The submission of the grievance form shall be documented in the housing area log book.
 - The housing area deputy shall thoroughly document all efforts to informally resolve the grievance in the space provided on the form. If additional space is required, the Inmate Grievance Supplemental form shall be utilized.
 - The inmate shall be afforded the opportunity to accept or reject the housing area deputy's informal resolution and sign the form in the appropriate space.
 - If the housing area deputy is unable to successfully resolve the grievance informally, he / she shall contact the area Sergeant and advise him/her that they have an inmate grievance to submit.

- The Sergeant shall document receipt of the Inmate Grievance in the housing area log.
- The Sergeant shall review the Inmate Grievance and make every effort to resolve the grievance informally. All efforts to resolve the grievance shall be documented in the space provided. If additional space is necessary, the Inmate Grievance Supplemental Form shall be utilized. The name, title and outcome of all interviews shall be documented.
- If the Sergeant is successful in resolving the inmate's complaint and the inmate agrees to accept the resolution, the inmate shall be required to indicate acceptance of the informal resolution and sign his/her name in the space provided.
- The grievance form and copies of all additional documents and supplements as well as copies of all documents relied upon in investigating the complaint shall be attached to the Inmate Grievance form, which shall be forwarded to the Grievance Coordinator.
 - The Sergeant shall document the informal resolution of the grievance in the housing area log.
- If the Sergeant is unable to resolve the inmate's complaint, the Inmate Grievance form, complete with thorough documentation of all efforts at informal resolution, documentation of all interviews and copies of all documents reviewed shall be forwarded to the Grievance Coordinator for processing.
 - The submittal of the grievance form to the Grievance Coordinator shall be documented in the housing area log.
- The Grievance Coordinator shall cause any additional investigation required to be completed and shall render a decision in writing.
- The Grievance Coordinator's decision shall be delivered to the inmate and the delivery shall be documented in the housing area log.
- If the inmate accepts the decision of the grievance coordinator, the inmate shall indicate acceptance and sign in the space provided. The acceptance shall be documented in the housing area log. The original grievance form shall be returned to the grievance coordinator and a copy left with the grievant.
- If the inmate wishes to appeal the decision of the Grievance Coordinator, the inmate shall indicate same and sign in the space provided. The appeal shall be documented in the housing area log and the original grievance form shall be returned to the grievance coordinator for processing.
- The Chief Administrative Officer shall render a decision regarding the inmate's appeal and return the grievance form to the inmate.
- The appeal shall be delivered to the inmate, and the delivery shall be documented in the housing area log. If the inmate accepts the decision of the Chief Administrative Officer, the inmate shall indicate same and sign in the space provide and the original grievance form shall be returned to the grievance coordinator and a copy left with the grievant.
- If the inmate wished to appeal the decision of the CAO to the New York State Commission of Correction Citizens' Policy & Complaint Review Counsel, the inmate shall indicate and sign in the space provided. The original grievance form shall be returned to the grievance form to the grievance coordinator for processing.

Erie County Sheriff's Office
Policy and Procedure
#JMD 04.02.05

JAIL MANAGEMENT DIVISION:
Inmate Grievance Program
PAGE 3 of 3

- The inmate shall be issued a receipt indicating that the grievance has been sent to the NYSCOC CPCRC. The receipt shall be delivered to the inmate and the delivery shall be documented in the housing area log.
 - The inmate and Grievance Coordinator will be notified of the NYSCOC-CPCRC decision via the US mail.
-



Grievance Form - Part I

Facility: _____

Housing Location: _____

Name of Inmate: _____

Grievance #: _____

Brief Description of the Grievance (Completed by the grievant):

Number of Additional Sheets Attached ()

Action requested by the grievant (Completed by the grievant):

Number of Additional Sheets Attached ()

Grievant Signature: _____

Date/Time Submitted: _____

Receiving Staff Signature: _____

Date/Time Received: _____

Summary of facility staff attempts to resolve (Completed by Grievance Coordinator):
(Attach relevant documentation)

Number of Additional Sheets Attached ()



Grievance Form - Part II

Facility: _____

Grievance #: _____

Name of Inmate: _____

Date Part 1 was received: _____

Decision of the Grievance Coordinator:
(Including specific facts and reasons underlying the decision)

Number of Additional Sheets Attached ()

Signature of the Grievance Coordinator: _____

Date: _____

- () I have read the above decision of the Grievance Coordinator
- () I agree to accept the decision
- () I wish to appeal to the Chief Administrative Officer

Grievant Signature: _____

Date: _____

Decision of the Chief Administrative Officer:
(Including specific facts and reasons underlying the decision)

Number of Additional Sheets Attached ()

Signature of the Chief Administrative Officer: _____

Date: _____

PURSUANT TO SECTION 7032.5(A), ANY GRIEVANT MAY APPEAL ANY GRIEVANCE DENIED BY THE FACILITY ADMINISTRATOR, IN WHOLE OR IN PART, TO THE STATE COMMISSION OF CORRECTION.

- () I have read the above decision of the Chief Administrative Officer
- () I agree to accept the decision
- () I wish to appeal to the Citizen's Policy and Complaint Review Council

Grievant Signature: _____

Date: _____

Submission to the Citizen's Policy and Complaint Review Council

I HAVE ISSUED THE GRIEVANT A RECEIPT INDICATING THE DATE THE APPEAL HAS BEEN SUBMITTED TO THE CITIZEN'S POLICY AND COMPLAINT REVIEW COUNCIL. I HAVE ENCLOSED WITH THIS GRIEVANCE, THE INVESTIGATION REPORT AND ALL OTHER PERTINENT DOCUMENTS.

Signature of the Grievance Coordinator: _____

Date: _____

STATE OF NEW YORK
SUPREME COURT COUNTY OF ERIE

**THE NEW YORK STATE
COMMISSION OF CORRECTION,**

Petitioner,

-against-

AFFIDAVIT

TIMOTHY HOWARD, Individually and
in his capacity of Sheriff of
Erie County, New York,

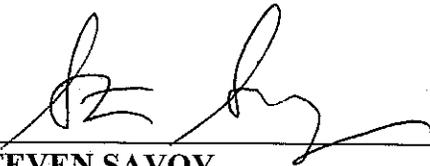
Respondent.

STATE OF NEW YORK)
COUNTY OF ALBANY) ss:)

STEVEN SAVOY, being duly sworn, deposes and says:

1. I am currently employed as a Correctional Facility Specialist III with the New York State Commission of Correction, wherein my duties include visiting, inspecting and appraising the management and conditions of correctional facilities.
2. At the behest of Commission Chairman Thomas A. Beilein, and pursuant to subdivisions (3) and (7) of Correction Law section 45, I was commissioned to visit, inspect, appraise and monitor the Erie County Holding Center from July 1 to July 2, 2009.
3. On July 2, 2009, while touring the Bravo Long housing unit of the Erie County Holding Center, I requested the housing officer to provide me with an inmate grievance form. After searching his unit work desk and area, the housing unit officer advised me that there were no inmate grievance forms available on the unit.
4. On July 2, 2009, while touring the Bravo Segregation housing unit of the Erie County Holding Center, I requested the housing unit officer to provide me with an inmate grievance form. After searching his unit work desk and area, the housing unit officer advised me that there were no inmate grievance forms available on the unit.

Dated: September 10, 2009
Albany, New York



STEVEN SAVOY

Sworn to before me this
10th day of September, 2009.



Notary Public

BRIAN M. CALLAHAN
Notary Public, State of New York
Qualified in Schenectady County
No. 6003133
Commission Expires Feb. 23, 20 10

6/6/09
ELDRIDGE, THAMUJ
RE: MIRRORS.

TM
Pg. 8

56

09-LE-686 1403 16A

Inmate Grievance Form

Grievance #
09G-019

Facility: ERIE COUNTY HOLDING CENTER

Name of Inmate: THAMUJ Eldridge ICN# 22585 H/U# Ck-Sig, 9930

Brief Description of the Grievance (Completed by the grievant): Number of Additional Sheets Attached ()

NEW MIRRORS ARE NEEDED THROUGHOUT FACILITY. PRESENT MIRRORS ARE POORLY INSTALLED AND PROVIDE NO VISIBILITY.

Action requested by the grievant (Completed by the grievant): Number of Additional Sheets Attached ()

INSTALL NEW MIRRORS THROUGHOUT FACILITY SO THAT INMATES CAN SHAVE ADEQUATELY

Grievant Signature: Thamuj Eldridge Date/Time Submitted: 5-6-09

Receiving Staff Signature: Deputy R. Dae #1275 Date/Time Received: 05/06/09 @ 1329

Summary of facility staff attempts to resolve (Attach relevant documentation) Number of Additional Sheets Attached ()

MIRRORS IN CELLS ARE IN POOR CONDITION, HOWEVER COMMON AREA MIRROR NEAR SINK IS STILL IN GOOD CONDITION, AND INMATE ELDRIDGE EVEN SAID SO. MIRROR REPLACEMENT IS A MAINTENANCE ISSUE NOT ABLE TO BE COLLECTED BY THIS DEPT.

AS PER ADMINISTRATION ABILITY TO RECTIFY
D. WEBSTER #5-71

Officer/ Supervisor Signature Deputy R. Dae #1275

I accept this resolution I do not accept this resolution and wish to file a formal grievance

Signature of INMATE: Thamuj Eldridge Date: 5/8/09 Time: 10:43

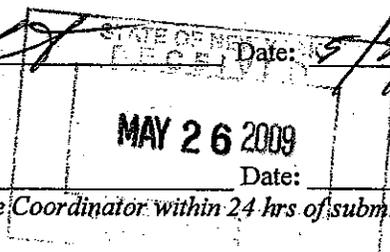
Forwarded to Grievance Coordinator

Officer/Supervisor Signature: Jt. R. Dae Date: 5/8/09 Time: 10:45

Received by Grievant Coordinator

Signature of Grievance Coordinator: _____ Date: _____ Time: _____

(Grievance must be forwarded to Grievance Coordinator within 24 hrs of submission)





New York State Commission of Correction



Grievance Form - Part II

Facility: Erie County Holding Center

Grievance #: 09 G-020

Name of Inmate: Thamud Eldridge

Date Part I was received: 5/8/09

Decision of the Grievance Coordinator:
(Including specific facts and reasons underlying the decision)

Number of Additional Sheets Attached ()

Complaint unsubstantiated / Action Requested - Denied

The mirrors in the facility are designed for correctional settings and conform w/ all standards

Signature of Grievance Coordinator [Signature]

Date: 5/18/09

- I have read the above decision of the Grievance Coordinator
- I agree to accept the decision
- I wish to appeal to the Chief Administrative Officer

Date: _____

Grievant Signature: _____

Date: _____

Decision of the Chief Administrative Officer
(including specific facts and reasons underlying the decision)

Number of Additional Sheets Attached ()

Signature of the Chief Administrative Officer: _____

Date: _____

PURSUANT TO SECTION 7032.5(A), ANY GRIEVANT MAY APPEAL ANY GRIEVANCE DENIED BY THE FACILITY ADMINISTRATOR, IN WHOLE OR IN PART, TO THE STATE COMMISSION OF CORRECTION.

- I have read the above decision of the Chief Administrative Officer
- I agree to accept the decision
- I wish to appeal to the Citizen's Policy and Complaint Review Council

Grievant Signature: _____

Date: _____

Submission to the Citizen's Policy and Complaint Review Council

I HAVE ISSUED THE GRIEVANT A RECEIPT INDICATING THE DATE THE APPEAL HAS BEEN SUBMITTED TO THE CITIZEN'S POLICY AND COMPLAINT REVIEW COUNCIL. I HAVE ENCLOSED WITH THIS GRIEVANCE, THE INVESTIGATION REPORT AND ALL OTHER PERTINENT DOCUMENTS.

Erie County Sheriff's Office
Inmate Grievance Supplemental Form

Grievance # 09 G 019

Grievant: Eldridge Thamund ICN # 22585 H/U # c-30

First Deputy Superintendent Leary,

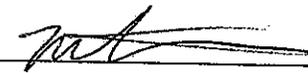
Inmate Eldridge, Thamud has filed Grievance # 09 G 019; he is not satisfied with the results and is requesting to move to the next step which is an appeal to the Chief Administrative Officer.

Complaint – Inmate does not like the quality of the facility mirrors.

Action requested - Inmate requests to have mirrors replaced through out the facility.

Description of events – Inmate is flooding the Grievance system with frivolous complaints.

Decision: Complaint – Unsubstantiated / Action Requested – Denied

Submitted by:
NAME: Chief Michael Reardon
SIGNATURE: 
DATE: 5/19/09

Purpose of Supplement:
<input type="checkbox"/> Additional Information
<input type="checkbox"/> Interview
<input type="checkbox"/> Documentation of evidence
<input checked="" type="checkbox"/> Other: Appeal to CAO

New York State Commission of Correction
Citizens' Policy and Complaint Review Council
80 Wolf Road (4th Floor)
Albany, NY 12205

Re: Facility Grievance # 09 G 019

Dear Council Members,

Attached, please find a copy of facility Grievance # 09 G 019 along with copies of all investigative documentation for your review. Inmate Eldridge Thamud is no longer housed at this facility.

Chief M. Reardon
Grievance Coordinator

Cc: Grievance file (09G019)

05/06/09
ELDRIDGE, THAMUD
RE: RECREATION OPTIONS.

#52
Inmate Grievance Form

09-16-685 1403

Grievance #
09G-018

Facility: ERIE COUNTY HOLDING CENTER

06A
018

Name of Inmate: Thamud Eldridge ICN # 22585 H/U # Ch-Seg-30

Brief Description of the Grievance (Completed by the grievant): Number of Additional Sheets Attached ()

Recreation within the ~~gymnasium~~^{gymnasium} should be re-opened for inmate use at least once per week and/or days of bad weather. Facility no longer use area for over-flow inmates. This area of the facility could be more productively used for inmates to exercise, play ball, shoot pool, etc.

Action requested by the grievant (Completed by the grievant): Number of Additional Sheets Attached ()

Recreation in huge gym be re-opened for days it rains or thunder. And winter when temperature below zero.

Grievant Signature: Thamud Eldridge Date/Time Submitted: 5-6-09
Receiving Staff Signature: Deputy R. DICE Date/Time Received: 05/06/09 @ 1329

Summary of facility staff attempts to resolve Number of Additional Sheets Attached ()

(Attach relevant documentation)
The use or non-use of the gym area is beyond my control, the decision is made by JMD administration. NOT IN MY AUTHORITY (D) D. WEBSTER #571

MAY 20 2009

Officer/Supervisor Signature Deputy R. DICE #1215

I accept this resolution I do not accept this resolution and wish to file a formal grievance

Signature of INMATE: Thamud Eldridge Date: 5/8/09 Time: 10:43

Forwarded to Grievance Coordinator
Officer/Supervisor Signature: [Signature] Date: 5/8/09 Time: 10:43

Received by Grievant Coordinator
Signature of Grievance Coordinator: [Signature] Date: 5/18/09 Time: 9:00
(Grievance must be forwarded to Grievance Coordinator within 24 hrs of submission)



New York State Commission of Correction



Grievance Form - Part II

Facility: Erie County Holding Center

Grievance #: 09-G-018

Name of Inmate Thamud E. Brige

Date Part I was received: 5/18/09

Decision of the Grievance Coordinator:
(Including specific facts and reasons underlying the decision)

Number of Additional Sheets Attached ()

Complaint - Unsubstantiated / Action Requested Denied

Recreation is governed by the COC. We use the indoor Rec Room only when the weather is inclement.

Signature of Grievance Coordinator [Signature]

Date: 5/18/09

I have read the above decision of the Grievance Coordinator

I agree to accept the decision

I wish to appeal to the Chief Administrative Officer

Date: _____

Grievant Signature: Refused

Date: 5/18/09

Decision of the Chief Administrative Officer

Number of Additional Sheets Attached ()

(including specific facts and reasons underlying the decision) NYS Minimum Standard 7028.2 All exercise periods shall be held in outdoor exercise area. Only the Chief Admin. Officer can change where rec is held. The change based on factors of safety, security & good order of facility based on weather impact - visibility, snow, ice, etc.

Signature of the Chief Administrative Officer: [Signature]

Date: 5-19-09

PURSUANT TO SECTION 7032.5(A), ANY GRIEVANT MAY APPEAL ANY GRIEVANCE DENIED BY THE FACILITY ADMINISTRATOR, IN WHOLE OR IN PART, TO THE STATE COMMISSION OF CORRECTION.

I have read the above decision of the Chief Administrative Officer

I agree to accept the decision

I wish to appeal to the Citizen's Policy and Complaint Review Council

Grievant Signature: _____

Date: _____

Submission to the Citizen's Policy and Complaint Review Council

HAVE ISSUED THE GRIEVANT A RECEIPT INDICATING THE DATE THE APPEAL HAS BEEN SUBMITTED TO THE CITIZEN'S POLICY AND COMPLAINT REVIEW COUNCIL. I HAVE ENCLOSED WITH THIS GRIEVANCE, THE INVESTIGATION REPORT AND ALL OTHER PERTINENT DOCUMENTS.

Signature of the Grievance Coordinator: _____ Date: _____

Erie County Sheriff's Office
Inmate Grievance Supplemental Form

Grievance # 09 G 018

Grievant: Eldridge Thamund ICN # 22585 H/U # c-30

First Deputy Superintendent Leary,

Inmate Eldridge, Thamud has filed Grievance # 09 G 018; he is not satisfied with the results and is requesting to move to the next step which is an appeal to the Chief Administrative Officer.

Complaint – Inmate would like to use the indoor gymnasium once a week and during bad weather.

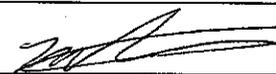
Action requested - Inmate requests to use the indoor gymnasium when it rains, thunders, and when it is below zero.

Description of events – Inmate is flooding the Grievance system with frivolous complaints. Inmate has been spoken to numerous times and told that the use of the indoor Gymnasium is regulated by the standards of the COC.

Decision: Complaint – Unsubstantiated / Action Requested – Denied

Submitted by:

NAME: Chief Michael Reardon

SIGNATURE: 

DATE: 5/19/09

Purpose of Supplement:
<input type="checkbox"/> Additional Information
<input type="checkbox"/> Interview
<input type="checkbox"/> Documentation of evidence
<input checked="" type="checkbox"/> Other: Appeal to CAO

New York State Commission of Correction
Citizens' Policy and Complaint Review Council
80 Wolf Road (4th Floor)
Albany, NY 12205

Re: Facility Grievance # 09 G 018

Dear Council Members,

Attached, please find a copy of facility Grievance # 09 G 018 along with copies of all investigative documentation for your review. Inmate Eldridge Thamud is no longer housed at this facility.

Chief M. Reardon
Grievance Coordinator

Cc: Grievance file (09 G 018)

109
C-Seq lowside
D. Russo

09-16-6891403 060C

Inmate Grievance Form

Grievance #
09G-022

Facility: ERIE COUNTY HOLDING CENTER

Name of Inmate: Kevin Anderson ICN # 107066 H/U # C-Seq 32

Brief Description of the Grievance (Completed by the grievant): Number of Additional Sheets Attached ()

Ya hard book say that we (people of privilege) are suppose to have a tv. I'm Kevin Anderson have all the privilage so why dont we have a tv yet - We really need one so please get us one!

Action requested by the grievant (Completed by the grievant): Number of Additional Sheets Attached ()

We want a tv A.C.A.D

RECEIVED
MAY 26 2009

Grievant Signature: [Signature] Date/Time Submitted: 4-14-09
Receiving Staff Signature: [Signature] #1316 Date/Time Received: 1310 4/14/09

Summary of facility staff attempts to resolve Number of Additional Sheets Attached ()
(Attach relevant documentation)

called Dep. Miggins. Dep Miggins stated that NO TV'S were available.
SPOKE w/ MAINT & CONFIRMED NO TV AVAILABLE

Officer/ Supervisor Signature [Signature] DRUSSO #1316

I accept this resolution I do not accept this resolution and wish to file a formal grievance

Signature of INMATE: [Signature] Date: 4-14-09 Time: 1315

Forwarded to Grievance Coordinator
Officer/Supervisor Signature: [Signature] Date: 4/14/09 Time: 1346

Received by Grievant Coordinator
Signature of Grievance Coordinator: _____ Date: _____ Time: _____
(Grievance must be forwarded to Grievance Coordinator within 24 hrs of submission)

Decision of the Grievance Coordinator:
(Including specific facts and reasons underlying the decision)

Number of Additional Sheets Attached ()

As told to you last week, tv's are on order. You agreed to wait for a tv. The process of acquiring the tv after the ECSSO has placed the order w/ the County is beyond the CAO control. Your grievance is therefore returned under 7032.4.

Signature of the Grievance Coordinator: Popblaw Date: 4/15/09

() I have read the above decision of the Grievance Coordinator

() I agree to accept the decision

(X) I wish to appeal to the Chief Administrative Officer

Grievant Signature: Kim Anderson Date: 4-15-09

Decision of the Chief Administrative Officer:
(Including specific facts and reasons underlying the decision)

Number of Additional Sheets Attached ()

Complaint substantiated / Action Requested - Modified

As told previously TV. are ordered and will be replaced.

Signature of the Chief Administrative Officer: [Signature] Date: 5/18/09

PURSUANT TO SECTION 7032.5(A), ANY GRIEVANT MAY APPEAL ANY GRIEVANCE DENIED BY THE FACILITY ADMINISTRATOR, IN WHOLE OR IN PART, TO THE STATE COMMISSION OF CORRECTION.

() I have read the above decision of the Chief Administrative Officer

() I agree to accept the decision

(X) I wish to appeal to the Citizen's Policy and Complaint Review Council

Grievant Signature: Kim Anderson Date: 5/17/09

Submission to the Citizen's Policy and Complaint Review Council

I HAVE ISSUED THE GRIEVANT A RECEIPT INDICATING THE DATE THE APPEAL HAS BEEN SUBMITTED TO THE CITIZEN'S POLICY AND COMPLAINT REVIEW COUNCIL. I HAVE ENCLOSED WITH THIS GRIEVANCE, THE INVESTIGATION REPORT AND ALL OTHER PERTINENT DOCUMENTS.

Signature of the Grievance Coordinator: [Signature] Date: 5/20/09

Erie County Sheriff's Office
Inmate Grievance Supplemental Form

Grievance #

09 G 022

Grievant: Anderson Kevin ICN # 107066 H/U # c-32

First Deputy Superintendent Leary,

Inmate Anderson, Kevin has filed Grievance # 09 G 022; he is not satisfied with the results and is requesting to move to the next step which is an appeal to the Chief Administrative Officer.

Complaint - No TV on C seg. Low side

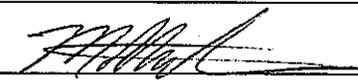
Action requested – Inmate wants a TV immediately

Description of events - Inmates housed on the low side of Charlie Seg destroyed a functioning TV. A replacement has been ordered and will be installed upon receipt of the purchase.

Decision: Complaint – Substantiated / Action Requested – Modified

Submitted by:

NAME: Chief Michael Reardon

SIGNATURE: 

DATE: 5/19/09

Purpose of Supplement:

- Additional Information
- Interview
- Documentation of evidence
- Other: Appeal to CAO

Inmate's Name/No: Anderson, Kevin C32

RE: Inmate Grievance # 09 G -022

This is to advise you that on this date, your grievance was forwarded to the Commission of Correction, Citizen's Policy Complaint Review Council. The grievance and all pertinent information was forwarded via First Class, U.S. Mail. Upon receipt, the Review Council will review your grievance and render a decision within 45 days. You will receive direct written communication from the Council regarding the disposition of your grievance.

Chief M. Reardon
Grievance Coordinator
Date: 5/20/09

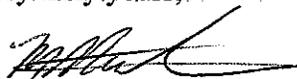
New York State Commission of Correction
Citizens' Policy and Complaint Review Council
80 Wolf Road (4th Floor)
Albany, NY 12205

Re: **Facility Grievance # 09 G-022**

Dear Council Members,

Attached, please find a copy of facility Grievance # 09 G-022 along with copies of all investigative documentation for your review.

Very truly yours,



Chief Michael Reardon
Grievance Coordinator

Cc: Grievance file (09 g 022)

MAIL

Im 7/2/09
Page 9

09-26-983

09-G-037

1403

Complaint/Grievance Form

Facility: ERIE COUNTY HOLDING CENTER

Housing Location: ECHO NE 66

Name of Inmate: NORMAN CARAWAY #112065

10C

Brief Description of the Grievance (Completed by the grievant): Number of Additional Sheets Attached (1)

1. SOME OF MY MAIL IS BEING REJECTED WITHOUT PROPER CAUSE.
2. I AM NOT RECEIVING NOTICES WHEN ITEMS ARE REJECTED. ON 5-26-09,
I RECEIVED A LETTER THAT SHOULD HAVE HAD A FEW PAGES THAT WERE CLIPPED
FROM A SWIMSUIT MAGAZINE. THEY WERE MISSING. I RECEIVED NO NOTICE. I WROTE
THREE "SLIPS" TO CHIEF REARDON. 1ST RESPONSE- HE CLAIMED THE PAGES CONTAINED UNALLOWABLE
CONTENT (SEXUAL NATURE), I CHALLENGED THIS, AND ASKED FOR CLARIFICATION,

Action requested by the grievant (Completed by the grievant): Number of Additional Sheets Attached ()

1. I WANT PROPER NOTICE ANY TIME MAIL IS TO BE REJECTED.
2. I WANT OPPORTUNITY TO CONTEST/APEAL SUCH DECISION.
3. GIVEN THAT IT APPEARS THAT MAGAZINE CLIPPINGS ARE ALLOWED, I
WANT TO RECEIVE ANY SUCH CLIPPINGS THAT ARE NOT OTHERWISE
UNACCEPTABLE DUE TO CONTENT (ASSUMING CONTENT COMPARABLE TO
AMERICAN CURVES IS ACCEPTABLE), H. I WANT TO KNOW WHAT HAPPENED TO
MY MISSING AM. CURVES MAGAZINES, AND RECEIVE FUTURE ISSUES UNIMPAIRED.

Grievant Signature: Norman S. Caraway Date/Time Submitted: 6-13-09

Receiving Staff Signature: [Signature] Allman #1224 Date/Time Received: 6/13/09 - 1845

Summary of facility staff attempts to resolve Number of Additional Sheets Attached ()

(Attach relevant documentation) I Dep Allman handed in (2) pb slips for Chief Reardon
in which his responses to Im Caraway were: material of a sexual
nature is returned to sender and not accepted within the Holding
Center.

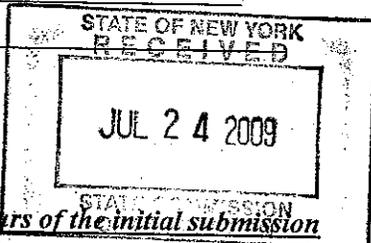
I accept this resolution

Grievant Signature

Officer/ Supervisor Signature

I do not accept this resolution and wish to file a formal grievance

Inmate Signature Norman S. Caraway



* Must be forwarded to Grievance Coordinator if not resolved within 24 hours of the initial submission

Forward to Grievance Coordinator Date 6/16/09 Time 9 AM.

Officer/Supervisor Signature

Decision of the Grievance Coordinator:

Number of Additional Sheets Attached ()

(Including specific facts and reasons underlying the decision)

Complaint unsubstantiated / Action Requested Denied
Per a memo Dated 6/9/09 for The first 3 pgs.
Material or photographs with an explicit sexual theme, which
displays frontal nudity or penetration of any sort is unacceptable
and will be returned to the sender. / This includes
cut out clippings.

Signature of the Grievance Coordinator: [Signature]

Date: 6/22/09

I have read the above decision of the Grievance Coordinator

I agree to accept the decision

I wish to appeal to the Chief Administrative Officer

Grievant Signature: [Signature]

Date: 6-29-09

Decision of the Chief Administrative Officer:

Number of Additional Sheets Attached ()

(Including specific facts and reasons underlying the decision)

- 1) It is not been proven that the holding center clipped/removed pictures
- 2) May 26, 2009 you rec'd magazine yet waited more than 5 days
to write a slip or file a grievance
- 3) We did not clip the pictures, you rec'd the magazine. therefore
we did not withhold mail.
- 4) You will be notified if mail is rejected but this was not.
Grievance decision of Grievance Coordinator upheld

Signature of the Chief Administrative Officer: [Signature]

Date: 7-13-09

PURSUANT TO SECTION 7032.5(A), ANY GRIEVANT MAY APPEAL ANY GRIEVANCE DENIED BY THE FACILITY ADMINISTRATOR, IN WHOLE OR IN PART, TO THE STATE COMMISSION OF CORRECTION.

I have read the above decision of the Chief Administrative Officer

I agree to accept the decision

I wish to appeal to the Citizen's Policy and Complaint Review Council

Grievant Signature: [Signature]

Date: 7-15-09

Submission to the Citizen's Policy and Complaint Review Council

I HAVE ISSUED THE GRIEVANT A RECEIPT INDICATING THE DATE THE APPEAL HAS BEEN SUBMITTED TO THE CITIZEN'S POLICY AND COMPLAINT REVIEW COUNCIL. I HAVE ENCLOSED WITH THIS GRIEVANCE, THE INVESTIGATION REPORT AND ALL OTHER PERTINENT DOCUMENTS.

Signature of the Grievance Coordinator: [Signature]

Date: 7-20-09

DESCRIPTION (CONT. FROM PAGE 1)

AS IT IS UNLIKELY THAT THE PERSON WHO SENT THE PAGES WOULD HAVE SENT ANYTHING WITH SEXUAL CONTENT. IN REPLY, I WAS TOLD THAT "CUT UP MAGAZINES ARE NOT ACCEPTABLE". THIS AVOIDS ALTOGETHER THE PREVIOUS CLAIM OF IMPROPER CONTENT. FURTHER, IN MY 16 MONTHS AT THIS FACILITY, I HAVE SEEN SEVERAL OTHER INMATES RECEIVE MAGAZINE CLIPPINGS - SOMETIMES NUMEROUS PAGES SENT IN A MANILA ENVELOPE, I HAVE PREVIOUSLY RECEIVED CLIPPED PAGES, 1 OR 2 AT A TIME.

THIS IS NOT THE ONLY PROBLEM I HAVE HAD. I SUBSCRIBE TO AMERICAN CURVES MAGAZINE (ALLOWABLE, PER SCTS, WEBSTER, LODESTRO, + BRYMAN). I AM MISSING 2 ISSUES. I RECEIVED ISSUE #49 (1-6-09) AND #52 (5-13-09). ISSUES #50 + #51 ARE MISSING. DUE TO LACK OF NOTICE, I CANNOT CONFIRM IF THEY WERE REJECTED, OR NEVER SENT (I HAVE WRITTEN TO AM. CURVES TO ASK - SO FAR, NO ANSWER). LAST YEAR (SUMMER 2008) MY BROTHER ORDERED FOR ME A SUBSCRIPTION TO PLAYBOY, NOT REALIZING THAT IT WAS NOT ALLOWED. AT LEAST 2 ISSUES WERE RECEIVED AT ECHC, AND WERE REJECTED, BUT I RECEIVED NO NOTICE! (SUBSCRIPTION TO PLAYBOY WAS CANCELLED.)

PURSUANT TO INMATE HANDBOOK, PG 5 (NOV 2008 REV), SECTION ON "INCOMING MAIL", IN ALL CASES WHERE INCOMING MAIL IS TO BE REJECTED AS CONTRABAND, BOTH SENDER + RECIPIENT ARE TO RECEIVE NOTICE, AND OPPORTUNITY TO APPEAL.

2-09

09-26-871

#70

MEDICAL TREATMENT

EP-P.A. WIZIOLUS #969

1403

Inmate Grievance Form

16A
1A

Grievance #
09G-031

Facility: ERIE COUNTY HOLDING CENTER

Name of Inmate: DAVIS, SHANNON ICN # 26344 HU # D92

Brief Description of the Grievance (Completed by the grievant): Number of Additional Sheets Attached (2)

ON OR ABOUT THE 17TH OF MAY I TOLD NURSE LESLIE THAT I HAVE HAD A HISTORY WITH BED SORES AND THAT THEY WERE ALL HEALED BUT THAT I NEEDED AN EGG CRATE TO GO OVER MY MATTRESS TO HELP PREVENT THE SORES FROM REOPENING. I WAS GIVEN AN EXTRA MATTRESS INSTEAD. ONE OF THE MATTRESSES HAS HOLES IN IT WITH TOWELS STUFFED INSTEAD OF IT MAKING

Action requested by the grievant (Completed by the grievant): Number of Additional Sheets Attached (2) (SEE ATTACH) ->

- 1 THAT I RECEIVE AN EGG CRATE OR A BETTER MATTRESS BECAUSE ONE OF THE MATTRESSES IS RAGGLY (STUFFED WITH TOWELS AND HARD AS ROCKS).
- 2 THAT MEDICAL HONORS THE POLICY OF EMERGENCY MEDICAL CARE. IT WAS CRUEL AND INHUMANE FOR THEM TO LET ME BLEED FOR 2 AND A HALF DAYS WITH NOT A NURSE

Grievant Signature: Shannon Davis Date/Time Submitted: 6/3/09 3:31 PM (SEE ATTACH) ->

Receiving Staff Signature: _____ Date/Time Received: _____

Summary of facility staff attempts to resolve Number of Additional Sheets Attached ()

(Attach relevant documentation)

DEPUTY WIZIOLUS WAS NOT AWARE OF MATTRESS PROBLEM AND AREA SGT. WAS NOT INFORMED OF THAT PROBLEM - P.G. SLIP GIVEN TO INMATE 6-3-09 TO REQUEST FROM MEDICAL MATTRESS NEEDED

6-1-09 INFORMED NURSE OF PROBLEM - WAS TOLD BY NURSE COLLEEN ISSUES BEING HANDLED, WILL BE SEEN 6-2-09.

6-2-09 - INFORMED NURSE LESLIE INMATE NEEDED TO BE SEEN, INMATE NOT SEEN, SGT.

NOTIFIED OF PROBLEM, SGT CATHART, NURSE LESLIE ON UNIT SPEAKING TO INMATE, TOLD HIM TO BE SEEN 6-3-09 - GRIEVANCE FORM ISSUED, SENT BY NURSE DAVIS 16:30 HRS RJT ON SICK CALL 6-3-09. DOES WANT TO SUBMIT GRIEVANCE FOR LENGTH OF TIME NOT BEING SEEN BY MEDICAL.

I accept this resolution I do not accept this resolution and wish to file a formal grievance

Signature of INMATE: Shannon Davis

Date: 6-3-09 Time: 4:44 P.M.
STATE OF NEW YORK RECEIVED
Date: JUN 29 2009 Time: _____
STATE COMMISSION OF CORRECTION

Forwarded to Grievance Coordinator

Officer/Supervisor Signature: _____

Received by Grievant Coordinator

Signature of Grievance Coordinator: [Signature]

Date: 6/6/09 Time: 9 AM

(Grievance must be forwarded to Grievance Coordinator within 24 hrs of submission)

Decision of the Grievance Coordinator:
(Including specific facts and reasons underlying the decision)

Number of Additional Sheets Attached ()

096031

IT is my understanding that the medical department is seeing + changing your dressing every other day. This should solve your issues with in the Grievance. If you incur any other problems Do not hesitate to contact this office

Signature of the Grievance Coordinator: [Signature]

Date: 6/9/09

() I have read the above decision of the Grievance Coordinator

() I agree to accept the decision

(x) I wish to appeal to the Chief Administrative Officer

Grievant Signature: [Signature]

Date: 6/9/09

Decision of the Chief Administrative Officer:
(Including specific facts and reasons underlying the decision)

Number of Additional Sheets Attached ()

Issue resolved to inmate satisfaction. Inmate agreed verbally + then refused to sign off.

Signature of the Chief Administrative Officer: [Signature]

Date: 6/24/09

PURSUANT TO SECTION 7032.5(A), ANY GRIEVANT MAY APPEAL ANY GRIEVANCE DENIED BY THE FACILITY ADMINISTRATOR, IN WHOLE OR IN PART, TO THE STATE COMMISSION OF CORRECTION.

(x) I have read the above decision of the Chief Administrative Officer

(x) I agree to accept the decision

() I wish to appeal to the Citizen's Policy and Complaint Review Council

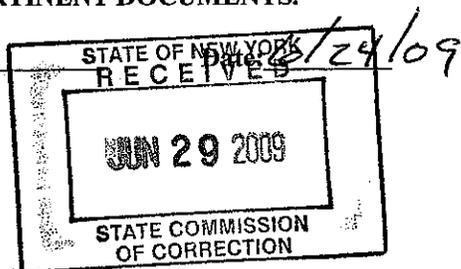
Grievant Signature: _____

Date: _____

Submission to the Citizen's Policy and Complaint Review Council

I HAVE ISSUED THE GRIEVANT A RECEIPT INDICATING THE DATE THE APPEAL HAS BEEN SUBMITTED TO THE CITIZEN'S POLICY AND COMPLAINT REVIEW COUNCIL. I HAVE ENCLOSED WITH THIS GRIEVANCE, THE INVESTIGATION REPORT AND ALL OTHER PERTINENT DOCUMENTS.

Signature of the Grievance Coordinator: [Signature]



New York State Commission of Correction
Citizens' Policy and Complaint Review Council
80 Wolf Road (4th Floor)
Albany, NY 12205

Re: Facility Grievance # 09 G 031

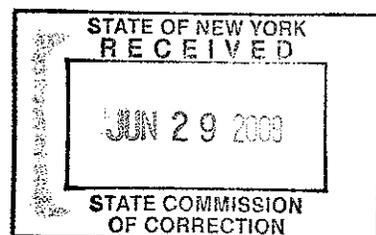
Dear Council Members,

Attached, please find a copy of facility Grievance # 09 G 031 along with copies of all investigative documentation for your review.

Very truly yours,

Chief Reardon
Grievance Coordinator

Cc: Grievance file (09G029)

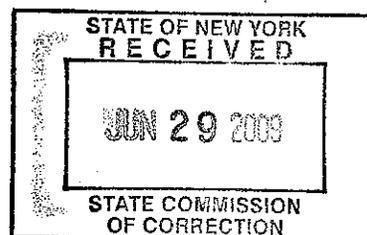


Inmate's Name/No: Davis Shannon

RE: Inmate Grievance # 09 G -031

This is to advise you that on this date June 24, 2009 your grievance was forwarded to the Commission of Correction, Citizen's Policy Complaint Review Council. The grievance and all pertinent information was forwarded via First Class, U.S. Mail. Upon receipt, the Review Council will review your grievance and render a decision within 45 days. You will receive direct written communication from the Council regarding the disposition of your grievance.

Chief M. Reardon
Grievance Coordinator
Date: 6/24/09



MEDICAL

ERIE COUNTY SHERIFF'S OFFICE
JAIL MANAGEMENT DIVISION

TO:

DEP. SUPT.: _____
 SUPT.: _____
 LIEUTENANT SERGEANT: _____ CLERK: _____
 CHAPLAIN: _____ SPECIAL SERVICE OFFICER: _____
 NOTARY: _____ CLINIC: _____
 PRE-TRIAL: _____ OTHER (SPECIFY):

DATE: 6-3 20 09 TIME: 3:33 AM/PM HOUSING UNIT: DETA MM 98

DEPUTY SIGNATURE: [Signature] BADGE NO.: _____

INMATE'S NAME: Glenn Dain CELL #: DETA MM 98

IC#: 26344

REQUEST: I NEEDED AN FCG CRATE AND ANOTHER MATTRESS. WHEN I FIRST CAME HERE ON THE 14TH OF MAY I INFORMED NURSE LESLIE THAT I HAD A HISTORY WITH BED SORES BUT AT THE PRESENT TIME THEY WERE ALL HEALED AND THAT I NEEDED A FCG CRATE TO PREVENT THE SORES FROM REOPENING. I WAS GIVEN AN EXTRA MATTRESS INSTEAD WHICH I HAD ON DEPT N-EAST. SINCE THEN I WAS MOVED TO DEPT N-WEST MEDICAL WHERE THE MATTRESS IS COVERED WITH TOWELS AND NOT HEAD. THIS IS THE REASON MY WOUND WAS OCCURED.

DISPOSITION: _____

IF YOU WISH TO FILE A GRIEVANCE,
PLEASE REFER TO THE INMATE HANDBOOK
ON PROPER PROCEDURE TO FILE.

ECHC-11R (Rev. 01/06)

STATE OF NEW YORK
 RECEIVED
 JUN 29 2009
 STATE COMMISSION
 OF CORRECTION

DETA MM 92
SHANNON DAVIS # 26344

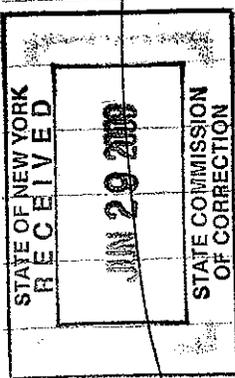
GRIEVANCE ATTACHMENT (PAGE 1)

6-2-09
RE. MEDICAL TREATMENT
DET. PA. WIGBUS # 989

BRIEF DESCRIPTION

IT HAD LIKE ROCKS. FROM THE HARDNESS OF THE MATTRESS A SORE ON MY BUTTOCKS HAS REOPENED. IF I HAD THE PROPER BEDDING (ANOTHER MATTRESS OR AN EGG CRATE) THIS WOULD NOT HAVE OCCURRED. ON 6-1-09 IN THE MORNING DURING THE MEDICATION RUN I INFORMED NURSE COLLEEN THAT I HAD A SORE ON MY BUTTOCKS THAT WAS BLEEDING, SHE TOLD ME THAT THEY WOULD CALL ME OVER TO MEDICAC TO HAVE IT CHECKED OUT. FOR THAT WHOLE DAY MY WOUND WAS NEVER LOOKED AT AND I WAS NEVER CALLED OVER TO MEDICAL. I WAS TOLD THE NEXT DAY (6-2-09) BY DEPUTY MS. PIAZZA THAT I WAS ON THE CALL OUT TO SEE THE DOCTOR FOR LATER THAT DAY. AT ABOUT 8:30 PM I INFORMED DEPUTY MS. WIGBUS THAT I WAS ON THE CALL OUT TO SEE THE DOCTOR, I WAS TOLD THAT THE DOCTOR HAD LEFT. I THEN DEMANDED THAT I RECEIVE A GRIEVANCE FORM. DEPUTY MS. WIGBUS THEN INFORMED SERGEANT CATHCART WHO IN RETURN CAME TO SPEAK TO ME WITH NURSE LESLEA. NURSE LESLEA REFUSED TO ASSESS MY BUTTOCKS, SIMPLY STATING DO YOU WANT A DUADERM PATCH TO PUT OVER IT. I TOLD THE NURSE THAT THIS WOUND NEEDED TO BE ASSESSED BEFORE A TREATMENT COULD BE IMPLEMENTED I TOLD ~~THE~~ NURSE LESLEA THAT MY WOUND WAS NOT SUPERFICIAL THEREFORE THE DUADERM PATCH WOULD NOT WORK. NURSE LESLEA REFUSED TO CHECK OUT MY WOUND OR TO HAVE IT

... TO SEND ME TO BED



DELTA MM02
SWINNON DAVIS # 26344

GRIEVANCE ATTACHMENT

6-2-09
RE. MEDICAL TREATMENT
DEP. PA WELGUS #969

(PAGE 2)

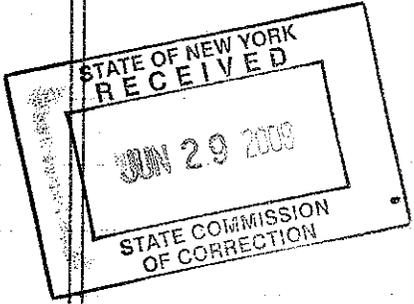
BRIEF
DESCRIPTION

FOR A SECOND NIGHT BLEEDING WITHOUT ANY TYPE OF BANDAGE. I TOLD NURSE LESLEA THAT IT WAS AN MEDICAL EMERGENCY AND THAT THE WOUND HAD BEEN BLEEDING FOR 2 DAYS. NURSE LESLEA STILL WAS SENSELESS, NOT WANTING TO GIVE ME ANYTHING, BUT AS I CONTINUED TO PRESS HER SITE RELUCTANTLY GAVE ME 2 LITTLE STRIPS OF TAPE AND 2 ABD PAD. BEFORE THEN, FOR 2 DAYS I HAD TO USE TOILET PAPER TO PREVENT THE WOUND FROM LEAKING BLOOD.

ACTION REQUESTED

CHECKING THE WOUND OUT. (3) I NEED TO KNOW WHY IT TOOK 2 IN A HALF DAYS FOR THIS MEDICAL STAFF TO ASSESS MY WOUND WHEN THEY WAS INFORMED THAT IT WAS AN EMERGENCY, ESPECIALLY SINCE I WAS BLEEDING?
(4) I WAS ON THE CALL OUT TO SEE THE DOCTOR ON 6-2-09. I NEED TO KNOW HOW COULD I BE ON THE CALL OUT TO SEE THE DOCTOR WITH SUCH A MEDICAL EMERGENCY AND THE DOCTOR JUST LEAVE WITHOUT SEEING ME?

Shannon Davis # 026344



09-16-5#
1403
07E

Inmate Grievance Form

Grievance #
09 G-017

Facility: ERIE COUNTY HOLDING CENTER

Name of Inmate: JERRY RIDGWAY JR ICN# 78602 H/U# Bravo 12

Brief Description of the Grievance (Completed by the grievant): Number of Additional Sheets Attached (4)
I put in four p.g slips regarding my jail time calculation sheet because it's wrong, im 100% sure of this. I got sentenced to 90 days on two cases, concurrent and 60 days ran concurrent, my release date was March 6, 09 and im still here! I been in jail since January 9, 2009. Im being unlawfully imprisoned

Action requested by the grievant (Completed by the grievant): Number of Additional Sheets Attached ()

That i be released As soon as possible!!!

STATE OF PENNSYLVANIA
APR 20 2009

Grievant Signature: Jerry Ridgway Date/Time Submitted: April 2, 2009

Receiving Staff Signature: Dep. K. Kilanski 1348 Date/Time Received: 4-2-09 / 1430 HRS.

Summary of facility staff attempts to resolve Number of Additional Sheets Attached ()
(Attach relevant documentation)

DEPUTY OFFERED REQUEST SLIPS. INMATE REFUSED, STATING HE SUBMITTED FOUR PREVIOUS SLIPS. SGT. WAS NOTIFIED @

Reviewed jail time - out date is 4/10/09 -

Explained Jail time. Grievant disagrees with Calculation Hartman
Officer/ Supervisor Signature

I accept this resolution

I do not accept this resolution and wish to file a formal grievance

Signature of INMATE: Jerry Ridgway Date: 4.3.09 Time: 2:53 P.M.

Forwarded to Grievance Coordinator

Officer/Supervisor Signature: Date: Time:

Received by Grievant Coordinator

Signature of Grievance Coordinator: Kobleary Date: 4/3/09 Time: 3pm

(Grievance must be forwarded to Grievance Coordinator within 24 hrs of submission)

Decision of the Grievance Coordinator: _____ **Number of Additional Sheets Attached ()**
(Including specific facts and reasons underlying the decision)

Inmate jail time record reviewed w/ inmate on 4-7-09 with detailed explanation. He would be released on 4-9-09 as 4-10-09 is a holiday.
Jail time

Signature of the Grievance Coordinator: _____ Date: _____

- I have read the above decision of the Grievance Coordinator
- I agree to accept the decision
- I wish to appeal to the Chief Administrative Officer

Grievant Signature: _____ Date: _____

Decision of the Chief Administrative Officer: _____ **Number of Additional Sheets Attached ()**
(Including specific facts and reasons underlying the decision)

Jail time calculation is correct. Actual out date is earlier than originally given because of holiday.
Inmate refused to sign
Inmate to be released 4-9-09.

Signature of the Chief Administrative Officer: Robbery Date: 4-7-09

PURSUANT TO SECTION 7032.5(A), ANY GRIEVANT MAY APPEAL ANY GRIEVANCE DENIED BY THE FACILITY ADMINISTRATOR, IN WHOLE OR IN PART, TO THE STATE COMMISSION OF CORRECTION.

- I have read the above decision of the Chief Administrative Officer
- I agree to accept the decision
- I wish to appeal to the Citizen's Policy and Complaint Review Council

Grievant Signature: _____ Date: _____

Submission to the Citizen's Policy and Complaint Review Council

I HAVE ISSUED THE GRIEVANT A RECEIPT INDICATING THE DATE THE APPEAL HAS BEEN SUBMITTED TO THE CITIZEN'S POLICY AND COMPLAINT REVIEW COUNCIL. I HAVE ENCLOSED WITH THIS GRIEVANCE, THE INVESTIGATION REPORT AND ALL OTHER PERTINENT DOCUMENTS.

Signature of the Grievance Coordinator: _____ Date: _____

Inmate released 4-9-10

Policy and Procedure



JAIL MANAGEMENT DIVISION:

Inmate Visitation

Policy

Approved

#JMD 10.06.00

Total Pages: 10

Undersheriff

Deputy Superintendent

Effective Date: September 1989

Revision Date: 03/09; 06/04; 10/02; 04/01; 02/99; 08/97; 03/92

NYSCOC Standards: 7008

NYSSAI Accreditation:

Other References:

POLICY:

In order to maintain compliance with the NYS Commission of Correction Minimum Standards and the New York State Constitution, all inmates housed in the Erie County Holding Center will receive contact visits, unless otherwise specifically stated.

PROCEDURE:

Each inmate housed in the Erie County Holding Center will receive, at a minimum, two hours visiting time per week. In order to accommodate all of our inmates and their visitors, the following breakdown will apply:

Each inmate will be entitled to two (2) hours of visits per week available Saturday through Wednesday. Half hour visits may be combined into one, one (1) hour visit. This option is limited to one-hour visit per day, **IN THE MORNING SESSION ONLY**, not to exceed the two (2) hour weekly maximum.

VISITING SCHEDULE:

Saturday through Wednesday from:
7:00 AM to 2:30 P.M.

VISITOR SIGN UP:

Beginning 7:00 AM ending at 1:00 P.M. for 1 hour visit and 2:00 P.M. for 1/2 hour visit.

THERE WILL BE NO VISITING ON HOLIDAYS.

VISITOR IDENTIFICATION AND REGISTRATION:

Any person wishing to visit an inmate must present proper picture identification before being allowed a visit. Proper identification is considered:

- a current and valid New York State Drivers License;
- a current and valid New York State Identification Card;
- a current and Social Services Card (with a picture),
- a current and valid Drivers License issued by any other state or province,
- a current and valid United States Military identification card;
- a current and valid passport.

Additionally, all visitors must register in the Visitor's Log, to include their name, current address, date of visit, the name of the inmate to be visited and their relationship to the inmate (spouse, friend, child, etc.).

The Deputy assigned to the Visiting Detail will be required to log the exact time the visit begins and the exact time the visit ended for each visit/visitor.

Parents or legal guardians who wish to bring children (anyone under 18 years of age) to visit a prisoner, must provide adequate identification for themselves AND THE CHILD.

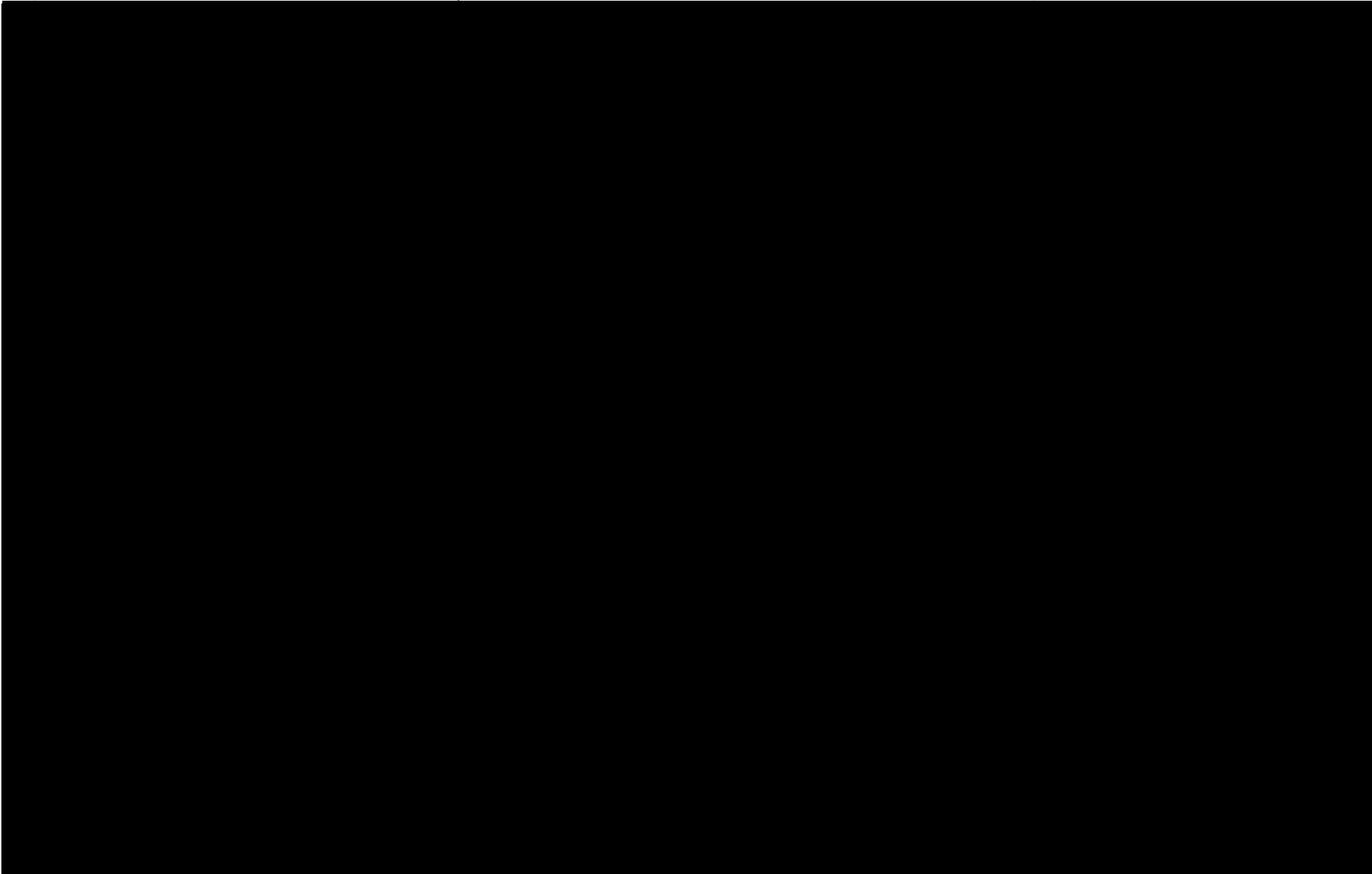
Identification for the child MUST INCLUDE:

- The child's birth certificate (either original or certified copy) Inmates are allowed to give permission to visit their own children provided their name appears on the birth certificate.
- Adoption papers
- Guardianship papers

Additional identification for children may include:

- Student identification card issued by a recognized school district
- Student bus pass
- New York State Learner's permit

NOTE: Any visitor under 18 years of age must be accompanied by an adult, (21 years of age or older).



ATTORNEY VISITS:

Attorney conference rooms have been provided for attorney/inmate visits. These rooms ensure inmate/attorney confidentiality because they cannot be audibly monitored. There are, however, visually supervised by the Deputy assigned to Visiting Control to protect the safety, security, and good order of the facility and all persons therein.

Attorneys can visit at any time that is not unduly disruptive to facility routine, i.e., lockdowns, shift change, etc. Attorneys are not allowed to bring in recording devices or cell phones unless they have prior approval from the Sheriff or his designee. Food and drink are prohibited.

ATTORNEY VISITING TIMES:

Daily:

7:00 a.m. – 11:00 p.m.

VISITING RESTRICTIONS:

If an inmate or visitor is considered a threat to the safety, security, or good order of the facility, their visits may be restricted. **These restrictions are ordered by the Superintendent's Office only.** Officers with concerns should notify the area Supervisor immediately and document concerns. The Supervisor will report the incident/concern to the 1st Deputy Superintendent who will make a determination on any restrictions and issue a decision. In this case, written notification will be provided to the affected person(s). These restrictions will include a specific period of time, i.e., ten days non-contact visits, 30 days non-contact visits, etc., and will be reviewed at that time to see whether the condition for the restriction still exists.

Any such restriction on visits can be appealed to the Superintendent, in writing, by either the visitor or the affected inmate.

SPECIAL VISITS:

Any inmate who is expecting a visit from family or friends from out of town can write to the Superintendent, via request slip, for special permission to extend his/her visiting time, or receive a visit on a day not normally scheduled for visits (Thursday, Friday). This decision is the responsibility of the Superintendent.

INITIAL VISITATION:

Each prisoner shall be entitled to receive a non-contact visit within 24 hours after his admission to the facility, provided that admission is within the regular visiting days.

VISITING NOTICES:

Any changes to visiting rules and regulations, dates, etc., will be posted in the Lobby (with copies made for individuals requesting same), issued to all inmate housing areas, and posted in the ECHC Library for a two week period prior to any changes made.

INMATE VISITS:

Inmate visits are not dependant on the amount of time an inmate has been in the facility. Inmates may have visits within the first 24 hours of their incarceration into the facility. If an inmate has been processed into the facility, they will visit in the Contact Visiting Room. If an inmate has not yet been processed into the facility, they will be changed over and escorted to the Non-Contact Visiting Room. These inmates will then be escorted back to the ground floor for processing. Visiting hours will remain consistent with those for regular visits but no less than 30 minutes per visit, unless violations or other circumstances justify ending the visit.

The 1st Deputy Superintendent responsible for visiting, or in their absence, the Chief of Operations, Captain or the Watch Commander, will authorize these visits.

VISITING PERSONNEL ROTATION:

ALL OFFICERS HOLDING A BID IN THE VISITING DETAIL SHALL ROTATE ASSIGNMENTS.

VISITING CONTROL	TO	METAL DETECTOR
METAL DETECTOR	TO	FRONT DESK SIGN-IN
FRONT DESK SIGN-IN	TO	INSIDE SECURITY
INSIDE SECURITY	TO	SEARCH ROOM
SEARCH ROOM	TO	VISITING CONTROL

*INSIDE DESK POSITION – NOT GENDER SPECIFIC

The Sergeant in charge of Visiting has the authority and responsibility to assign duties within the detail and to ensure the proper rotation of assignments.

If a member of the Visiting Detail is off from the outside posts, the senior Deputy assigned to the Inside Security/Search will fill the outside post. The relief Deputy will then fill his post. The Inside Security Deputy will be responsible to observe all the tables in the Visiting Room and enforce the Visiting Rules. They will also be responsible for the Visiting Record keeping (Logbook, statistics, marking "in and out times" etc.).

CHAIN OF COMMAND:

SERGEANT:

Responsible for Visiting Security, who works where, orderly running of visiting.

LIEUTENANT:

Schedules Deputies, O.K.'s time off, etc.

CHIEF OF OPERATIONS:

Oversees Visiting, coordinates the suspension of visiting privileges, reports to the 1st Deputy Superintendent responsible for Inmate Visitation.

VISITING SCHEDULE:

7:00 a.m. to 11:45 a.m. (Morning Session)
1:00 p.m. to 2:30 p.m. (Afternoon Session)

Saturday through Wednesday

VISITING PROCEDURES

VISITOR SIGN UP:

7:00 a.m. to 11:15 for 1/2 hour visit, until 10:45 a.m. for one hour visit.
12:30 p.m. for the afternoon session and must be signed in by 2:00 p.m.

ALL VISITORS MUST REMAIN IN THE BUILDING UNTIL YOU ARE CALLED FOR YOUR VISIT.

- All visitors must clear the Meta Detector to enter the visiting room. Medical documentation is required for all medical devices.
- All visitors will be required to submit to a K-9 search. Anyone found to be in possession of narcotics will be arrested and prosecuted.
- Appropriate dress is required of all visitors.

NO ORANGE CLOTHING OF ANY KIND
GENERAL GUIDELINES REGARDING PROPER DRESS:

- No 'Daisy Dukes' or short shorts
- No sleeveless shirts
- No halter tops
- No spandex clothing
- No see through clothing
- No hats, scarfs or hoods
- No pants, shorts or jeans that oversized or excessively baggy
- No suit coats

- Appropriate, respectful behavior is required of all visitors.
- All children must be under the direct supervision of their parent or legal guardian; they can not be left unattended.

THE FINAL DECISION AS TO THE APPROPRIATENESS OF DRESS LIES WITH THE DEPUTY.

If an inmate informs you directly that he or she is thinking of self harm or suicide during any telephone calls, visits, in any letters, or if you indirectly "overhear" an inmate talking of suicide, PLEASE notify Jail staff immediately. Jail staff will have the inmate evaluated to determine what assistance is necessary for him/her to deal with the specific problems. **YOUR INFORMATION CAN SAVE SOMEONES LIFE.**

ACCEPTABLE FORMS OF IDENTIFICATION FOR VISITORS

- Acceptable forms of identification are:
- Current and valid New York State Driver's License
 - Current and valid New York State Non-Driver's License
 - Current and valid Driver's license issued by any other state or province
 - Current and valid United States Military identification card
 - Current and valid passport

any identification must include your:

- Name
- Photograph
- Current Address
- Date of Birth
- Signature

ANY ATTEMPT TO USE FAKE OR ALTERED IDENTIFICATION WILL RESULT IN THE LOSS OF YOUR VISITING PRIVILEGES, YOUR ARREST OR BOTH.

Parents or legal guardians who wish to bring children (anyone under 18 years of age) to visit a prisoner, must provide adequate identification for themselves AND THE CHILD.

Identification for the child MUST INCLUDE:

- The child's birth certificate (either original or certified copy)
- Adoption papers
- Guardianship papers

Additional identification for children may include:

- Student identification card issued by a recognized school district
- Student bus pass
- New York State Learner's permit

ALL VISITORS MUST PRODUCE IDENTIFICATION

PROPER ID MUST INCLUDE YOUR:

- NAME
- PHOTOGRAPH
- CURRENT ADDRESS
- DATE OF BIRTH
- SIGNATURE

ACCEPTABLE FORMS OF IDENTIFICATION ARE:

- CURRENT VALID N.Y.S. DRIVER LICENSE
- CURRENT VALID N.Y.S. NON-DRIVER I.D. CARD
- CURRENT VALID DRIVER LICENSE, ANY STATE OR PROVIDENCE
- CURRENT VALID U.S. MILITARY I.D. CARD
- CURRENT VALID PASSPORT OR PASSPORT CARD

ERIE COUNTY SHERIFF'S OFFICE



MEMORANDUM

TO: ALL JMD Holding Center Staff

FROM: Barbara B. Leary, 1st Deputy Superintendent

DATE: March 9, 2009

RE: Visitor Identification

Effective immediately government issued picture identification with an address is sufficient proof of address for admission to visits. Visitors will no longer be denied a visit solely because they do not have a second form of proof of address.

Cc: Undersheriff Brian D. Doyle
Chief Michael F. Reardon
Chief John A. Anthony

ERIE COUNTY SHERIFF'S OFFICE



MEMORANDUM

TO: Dayshift Watch Commander

FROM: Barbara B. Leary, 1st Deputy Superintendent 

DATE: March 13, 2009

RE: Visiting times

By order of the Superintendent:

All assignments on the visiting detail are to be posted and rotated weekly.

Effective immediately, visits will be in operation from 7:00 to 14:30. Visiting will be closed for the hour between 12:00 and 13:00.

From 12:00 to 12:30 the Watch Commander, will assign lunch reliefs as necessary. Those assigned reliefs, will receive lunch breaks from 12:30 through 13:00 hours.

The Visiting Deputy assigned to the visiting control booth must stay on his/her post until attorneys have concluded their visit.

The Sign Up Deputy is to distribute passes in the morning and in the afternoon until all seats are filled and time constraints allow. Passes are not to be limited. Visiting time will be deducted in ½ hour increments. These ½ visiting sessions can be spread across four separate days.

The call down deputy will ensure that all inmates are called down in an efficient and timely manner.

At 12:30 passes will be distributed for the PM session. The call down Deputy will begin calling housing units at 12:45.

Inmates will not be denied the opportunity to visit because they are attending a program. Inmates will be informed of a visit and given the choice of attending.

All non - contact rooms are to be utilized for non - contact visits.

All seats are to be used in the visiting room on a first come first serve basis. Seats are not to be saved or reserved.

Social workers/Counselors will visit in the attorney visiting rooms. Deputies are to ensure that proper supervision is maintained.

Valid Government identification with a picture and an address is sufficient for admission. Visitors are not required to have a second form of ID or proof of address.

Administrative Segregation Orders are to be maintained for all non contact visits, there will no exception.

Cc: Undersheriff Brian D. Doyle
Chief Michael F. Reardon
Chief John A. Anthony

ERIE COUNTY SHERIFF'S OFFICE

Jail Management Division

Memo

To: Supervisors and Visiting staff
From: Superintendent Donald J. Livingston
CC: Undersheriff Brian Doyle
Date: March 3, 2009
Re: Second form of identification

The requirement that visitors produce a second form of identification to prove current address is immediately discontinued.

Visitor identification will be made in compliance with section 7008.5 of the Minimum Standards.

A properly identified person will be one who can produce a legitimate government issued photo identification card that contains their name and address. Secondary proof of address is not required.