



STATE OF NEW YORK • EXECUTIVE DEPARTMENT
STATE COMMISSION OF CORRECTION

80 WOLF ROAD, 4TH FLOOR
ALBANY, NEW YORK 12205-2670
(518) 485-2346
FAX (518) 485-2467

CHAIRMAN/COMMISSIONER

Alan J. Croce

COMMISSIONERS

Frederick C. Lamy

Frances T. Sullivan

August 24, 2005

Honorable Glenn S. Goord, Commissioner
State of New York, Department of Correctional Services
The Harriman State Campus
1220 Washington Street
Albany, New York 12226-2050

Re: Double-bunking variances

Dear Commissioner Goord:

The Commission has reviewed the Department's application for a reduction in double-bunking variance beds with respect to compliance with the provisions of 9NYCRR Sections 7621.3, 7621.8(a-b), and 7621.8(c)(1-3) and has determined at the August 23, 2005 Commission Meeting that the request be approved for a period of one (1) year.

Specifically, the Commission approved the following variances:

<u>Facility</u>	<u>Variance #</u>	<u>Total Beds</u>
Bayview CF	90-V-43	74
Bayview CF	91-V-01	66
Clinton Annex	95-V-11	111
Collins CF	94-V-15	214
Collins CF	99-V-04	40
Fishkill CF	94-V-16	148
Gowanda CF	99-V-05	23
Lakeview CF	92-V-26	40
Mid-State CF	94-V-14	164
Mohawk CF	94-V-13	134
Oneida CF	94-V-12	109
Wallkill CF	98-V-21	72
Woodbourne CF	95-V-14	34
Total=		1229

Pursuant to this action, the following conditions shall apply:

Condition No. 1:

All variance space shall conform to the totals listed in the previous section

Condition No.2:

DOCS shall provide enhanced staffing in all variance facilities, except Woodbourne, including, but not limited to, the following:

- a) DOCS shall assign an officer, of at least the rank of sergeant, to areas of high inmate concentration outside of the dormitories (e.g. the messhall, recreation areas, etc.).
- b) Two (2) sergeants shall be assigned exclusively to inmate housing on the 7 a.m. to 3 p.m. and 3 p.m. to 11 p.m. shifts. However, when the total number of double-bunked inmates falls below 200 in a prototype dormitory, only one (1) sergeant is required. This exception only applies to Lakeview Correctional Facilities.
- c) Program, service and support staff shall be added to each of the variance facilities consistent with the proposed staffing increase outlined in DOCS' November 8, 1991 submission to the Commission to the extent approved by State Division of Budget and subsequent increases approved by the Division of Budget.
- d) DOCS must also provide on-going in-service training in the area of inmate/officer conflict resolution for inexperienced officers.

Condition No. 3:

For the duration of the variance period, DOCS shall provide the Commission with monthly status reports documenting all "unusual incidents" as that term is defined by the Department, regardless of the location in the facility where such incidents occur. In addition, the status report shall include all incidents involving "inmate on inmate" assaults, "inmate on staff" assaults, and incidents involving the use of force, whether or not they result in injury to staff or inmates. The term "assault" is used in its broadest sense. All inmate fighting shall be reported by location or occurrence within the affected facilities, and whether or not there is resulting injury to staff or inmates.

Condition No. 4:

DOCS shall provide the Commission with the Monthly Report on Disciplinary Activities for each variance facility. Data shall be provided for each month of the variance period.

Condition No. 5:

DOCS must be able to provide the Commission with a report on each variance facility indicating the extent to which required security staffing levels in variance dorms was maintained by the use of staff in "overtime" status. This report should include a summary distribution for instances of such overtime showing on-the-job time for staff who worked overtime.

The Department will only be required to submit this documentation on an as-needed basis.

Condition No. 6:

DOCS must be able to provide the Commission with a status report indicating the positions, by title, which actually are filled at each variance facility and those that remain vacant. A position will be considered as "filled" when a staff person has in fact begun reporting to work at the facility.

The Department will only be required to submit this documentation on an as needed basis.

Condition No. 7:

DOCS will be able to provide the Commission with a report documenting the numbers of inmates at each variance facility who are waiting for programs (e.g., "unemployed" inmates), the types of programs inmates are waiting to participate in, and the numbers of inmates who are "idle", that is, inmates who have voluntarily chosen not to participate in available programs.

Such report shall also set forth the numbers of inmates at each variance facility actually participating in programs, the type(s) of program participated in, and the total number of inmates participating in each program.

The Department will only be required to submit this documentation on an as needed basis.

Condition No. 8:

DOCS will be able to provide the Commission with a list documenting the numbers of inmates who are waiting for facility-based medical services, by service each day; the number of inmates actually seen on daily sick call by nurses, physician assistants, nurse practitioners, and the in-house facility physician; the number of on-site hours the physician is present each day; and the number of IPC patient visits conducted by the physician each day, together with the daily census of the IPC.

The Department will only be required to submit this documentation on an as-needed basis.

Condition No. 9:

DOCS will be able to provide the Commission with a copy of the "Monthly Summary of Health Services Activities" generated by each facility. This summary shall include the number of inmates actually seen at "non-emergency" and "emergency" sick call; number of inmates who signed up for sick call; number of inmates seen by in-house physician; number of inmates seen on medication call out for directly observed/administration therapy; number of medication levels reviewed; number of inmate days spent in facility isolation for suspected or confirmed TB; number of inmates sent on scheduled outside trips for ambulatory health care services; number of consultation requests; number of inmates admitted to outside hospital on non-emergency basis; number of medical grievances filed; and, information pertaining to screening of health care records along with number of inmates received without a health care record.

The Department will only be required to submit this documentation on an as needed basis.

Condition No. 10:

DOCS will be able to provide the Commission with a report documenting the total number of mental health service clients and clinical encounters at each variance facility between inmates and mental health providers by type of service as follows: scheduled encounters between identified outpatient clients and mental health social workers, psychologists and psychiatrists, emergency evaluation/stabilization encounters between inmates (whether or not identified as clients) and mental health social workers, psychologists and psychiatrists; total average number of named active outpatients and all mental health service providers; total average number of named clients on outpatient rolls; and total number of prescriptions filled for mental health service clients. DOCS shall also report the total aggregate number of hours that mental health nurses were present at each facility, with each title counted separately.

In addition, DOCS shall provide the mental health service data outlined above for at least two (2) comparable non-variance facilities.

The Department will only be required to submit this documentation on an as needed basis.

Condition No. 11:

DOCS will be able to provide the Commission with a report documenting the number of inmates at each variance facility waiting for dental services, by service; the number of inmates actually provided daily dental services; and the types of dental services provided.

The Department will only be required to submit this documentation on an as needed basis.

Condition No. 12:

DOCS will be able to provide the Commission with a report documenting the number of inmates at each variance facility seen by the following outside health care providers: emergency rooms; orthopedics; gastro-intestinal; hematology; neurology; plastic ENT; gynecology; obstetrics; dermatology; ophthalmology; oral surgeons; x-rays; and HIV/internal medicine.

The Department will only be required to submit this documentation on an as needed basis.

Condition No. 13:

DOCS will be able to provide the Commission with a report on the number of inmates at each variance facility who are on "1 to 1" medication, that is, those inmates who must be provided their medication directly by the health care professional.

The Department will only be required to submit this documentation on an as needed basis.

Condition No. 14:

At a minimum, the Department shall provide two (2) officers per dormitory on the 11 p.m. to 7 a.m. shift. In addition, the other two shifts 7 a.m. to 3 p.m. and 3 p.m. to 11 p.m., will have one and one half (1 ½) officers assigned except at times when no inmates are in the dormitory. This condition shall apply to dormitories in the prototype facilities which are authorized to house up to 90 persons.

Condition No. 14 will remain in effect only as it applies to dormitories in prototype facilities.

Condition No. 15:

DOCS will be able to provide the Commission with a report documenting the condition of all laundry equipment, bathroom, and shower equipment in variance dormitories. The report should note any equipment replaced or major repair work undertaken.

The Department will only be required to submit this documentation on an as- needed basis.

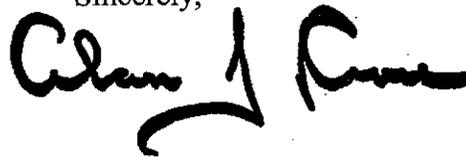
Condition No. 16:

DOCS shall take the necessary action to establish and maintain a full complement of executive staff, including captains, for each variance facility.

This variance will expire on **September 1, 2006**. The Commission will consider the County's request for a further extension of this variance at the August 15, 2006 Commission Meeting. If the County finds there is need for an extension of this variance, a written request must be submitted to the Commission 45 days prior to that meeting. Therefore, by July 3, 2006, the extension request must be received to avoid any unnecessary delays in processing the renewal review.

Your letter dated August 16, 2005 referenced Bayview Correctional Facility and your understanding that the variance conditions in effect at other facilities (such as enhanced staffing and specified reporting) did not apply to Bayview. This interpretation is indeed correct, and only those conditions specified in 90-V-43 and 91-V-1 apply.

Sincerely,

A handwritten signature in black ink, appearing to read "Alan J. Croce". The signature is fluid and cursive, with a large initial "A" and "C".

Alan J. Croce
Chairman/Commissioner