



Commission of Correction

ALLEN RILEY
Chairman

YOLANDA CANTY
Commissioner

March 6, 2024

Sheriff Frederick J. Akshar II
Broome County Sheriff's Office
155 Lt. VanWinkle Drive
Binghamton, NY 13905

Re: Minimum Standards Evaluation

Dear Sheriff Akshar:

An evaluation of the Broome County Jail was conducted by Commission staff members Susana Gonzalez and Elisha Hamilton on January 10-12, 2024. The following Standards were evaluated:

Annual Minimum Standards Evaluation: Facility Operations – Part 7002, Admissions; Part 7005, Personal Hygiene; Part 7013, Classification; Part 7024, Religion and any previously-identified open issues.

Annual Minimum Standards Evaluation: HALT – Part 7006, Discipline; Part 7075, Confinement and Deprivation; Part 7076, Segregated Confinement; Part 7077, Residential Rehabilitation Units; ancillary subsections of Part(s) 7000, 7003, 7005, 7017, 7028, 7040 and any previously-identified open issues.

Findings based upon Commission staff's compliance assessment of the above standard elements and previously identified issues are outlined in the attached reports under the corresponding cover. These findings were brought to the attention of your executive team at the exit interview that took place at the conclusion of the evaluations.

In accordance with Section 46(1) of Correction Law, a response to these evaluations is required and is requested by no later than **April 5, 2024**. Such responses shall include actions taken or to be taken to address the findings in the order in which they are presented in the report.

Please be advised that subsequent follow-up visits from this office may be unannounced. I would like to take the opportunity to thank you and your staff for the courtesy and cooperation extended to my staff during the visit.

Sincerely,

A handwritten signature in cursive script that reads "Allen Riley".

Allen Riley
Chairman

cc: Major Robert Charpinsky

Attachments (2)

Located in Binghamton, New York, the Broome County Jail was originally built in 1996. In 2016, a major construction project was completed to expand the facility's capacity. The current Maximum Facility Capacity is rated at 600 beds at standard, consisting of 8 individual occupancy housing units and 8 Multiple occupancy and hybrid housing units.

The facility is led by a Chief Administrative officer who maintains the rank of Major and is operated by a compliment of sworn security and civilian personnel. Those staff are responsible for providing all required essential services to incarcerated individuals while maintaining the safety and security of the facility.

The facility houses sentenced and unsentenced incarcerated individuals with charges ranging from low level offenses to violent felonies. In 2023, the average daily population at the facility was 334 incarcerated individuals with a high of 381 and a low of 292. The facility averaged 246 unsentenced and 61 sentenced incarcerated individuals per day.



**Commission of
Correction**

MARCH 2024

**MINIMUM STANDARD EVALUATION
of
FACILITY OPERATIONS**

for the

BROOME COUNTY JAIL

**MINIMUM STANDARD EVALUATION OF FACILITY OPERATIONS
FOR THE BROOME COUNTY JAIL**

Below are the results of Commission staff's evaluation of the Broome County Jail

Part 7002 Admissions

Section 7002.2(d) Authority for admission

Findings: Commission staff found that facility policy did not include the requirements pursuant to this Part. The facility took corrective action and amended the facility policy. A copy of said policy was provided to the Commission.

Status: Closed

Section 7002.4(c) Property confiscation

Findings: Commission staff found that facility policy did not include the requirements of this part. Additionally, a review of property bags showed that:

1. documentation of confiscated personal property was not consistently being itemized;
2. an accurate description of said items was not consistently being recorded; and
3. officers were not consistently signing property inventory sheets.

Action Required: The facility administration shall revise facility policy to reflect all requirements of this section and forward a copy of the amended policy to the Commission for review. The facility shall also ensure that incarcerated individual's confiscated property is itemized and that an accurate description of each property is being documented. Additionally, all property receipts shall be signed by officer receiving such property.

Section 7002.4(g) Property confiscation

Findings: Commission staff noted that facility policy and the incarcerated individual handbook did not include language that allowed for the release of incarcerated individual property pursuant to 7002.4 (g). Incarcerated individuals were only allowed to release monies to individuals during the 5-day classification period. After that period, they were only allowed to release monies to businesses for payment of bills etc.

Action Required: The facility administration shall revise facility policy and handbook to reflect requirements of section 7002.4(g). A copy of the amended policy and handbook shall be forwarded to the Commission for review. Additionally, the facility administration shall ensure that incarcerated individuals are allowed to release their property pursuant to section 7002.4(g)

Section 7002.4(h) Property confiscation

Findings: Commission staff noted that per the facility's incarcerated individual handbook, incarcerated individual's property left at the facility when such individual is transferred from the facility is subject to destruction if the property is not claimed within 10 days of said individual being transferred. Commission staff advised the facility administration that a blanket policy that documents that they will destroy incarcerated individual's property left behind for over ten (10) days may conflict with NYS Personal Property Law.

Recommendation: The facility should seek guidance from their County Attorney regarding the timeline and destruction of property left at the facility.

Section 7002.4(i) Property confiscation

Findings: Commission staff reviewed the facility's policies and noted that they did not address the requirements of section 7002.4(i).

Action Required: The facility administration shall revise facility policy to reflect the requirements of this section and forward a copy of the amended policy to the Commission for review.

Section 7002.8 Admission telephone call

Findings: Commission staff reviewed the facility's policies and noted that they did not address the requirements of section 7002.8.

Action Required: The facility administration shall revise facility policy to reflect the requirements of this section and forward a copy of the amended policy to the Commission for review.

Section 7002.9(b)(c)(d)(e) Facility rules and information

Findings: Commission staff reviewed the facility's policies and noted that they did not address the requirements of these sections.

Action Required: The facility administration shall revise facility policy to reflect the requirements of these sections and forward a copy of the amended policy to the Commission for review.

Part 7005 Prisoner personal hygiene

Section 7005.2(a) Showers

Findings: Commission staff found that facility policy did not include the requirements of this section. The facility took corrective action and amended the policy. A copy of amended policy was provided to Commission staff.

Status: Closed

Section 7005.3(b)(c) Shaving

Finding: Commission staff found that facility policy did not include the requirements of this section. The facility took corrective action and amended the policy. A copy of amended policy was provided to Commission staff.

Status: Closed

Section 7005.5(c) (d) Hair styles

Findings: Commission staff found that facility policy did not include the requirements of this section. The facility took corrective action and amended the policy. A copy of amended policy was provided to Commission staff.

Status: Closed

Section 7005.9(b) Bedding

Findings: Commission staff found facility policy did not include requirement that pillowcases and sheets be exchanged weekly or more frequently when necessary. Additionally, Commission staff found that the facility was exchanging pillowcases and sheets once every two weeks. Laundry schedule was updated to require that bedding be exchanged weekly.

Action Required: The facility administration shall revise facility policy to reflect all requirements of this section and forward a copy of the amended policy to the Commission for review. The facility shall also ensure that pillowcases and sheets be exchanged pursuant to this section.

Section 7005.9(d) Bedding

Findings: Commission staff found that facility policy did not include the requirements of this section. The facility took corrective action and amended the policy. A copy of amended policy was provided to Commission staff.

Status: Closed

Part 7013 Classification

Section 7013.3(c) (d) Facility policies and procedures

Findings: Due to a lack of facility documentation, Commission staff were unable to substantiate that classification policies were being reviewed annually.

Action required: The chief administrative officer shall ensure that classification policies and procedures are reviewed on an annual basis and that revisions are made as necessary. In addition, the chief administrative officer shall verify in writing that facility classification policies and procedures have been reviewed. Such verification shall consist of:

- 1) A list of any revision made to the policies and procedures;**
- 2) The date(s) of all reviews completed; and**
- 3) The signature of the chief administrative officer.**

Section 7013.8(d) Assignment to facility housing areas

Findings: A review of classification records revealed that the facility was comingling incarcerated individuals of minimum, medium, and maximum classification levels in a housing unit which is not designated for special housing.

Action Required: The facility shall utilize a formal and objective system for incarcerated individual classification. Specifically, incarcerated individuals of minimum and maximum classification determination categories shall not be housed together without override documentation to substantiate; except as authorized in accordance with section 7013.6.

Section 7013.9(a) Classification review

Findings: Commission staff reviewed records of reportable incidents and noted that classification reviews are not consistently being conducted after incarcerated individuals are involved in serious unusual incidents, as required by this section.

Action Required: The facility shall ensure that an incarcerated individuals classification status is reviewed and revised, as necessary, when the incarcerated individual is involved in a serious unusual incident or exhibits adjustment problems which threaten his/her safety or the safety, security, or good order of the facility.

Section 7013.11(c) Staff training

Findings: The facility could not provide documentation to substantiate that all facility staff assigned to perform duties related to the administration and implementation of classification procedures had completed a training program in classification theory and techniques approved by the commission.

Action Required: The facility shall ensure that all facility staff assigned to perform duties related to the administration and implementation of classification procedures pursuant to sections 7013.7, 7013.8 and 7013.9 of this Part shall be trained in classification theory and techniques by completing a training program approved by the commission. Only facility staff who have completed such training shall perform said duties.

Section 7013.12(d) Inmate screening and classification records

Findings: Commission staff noted that the summarized information of incarcerated individuals sent with said individual is transferred to another correctional facility are not clearly identifying the preparing staff member.

Action Required: The facility shall ensure that the summarized information for incarcerated individuals being transferred to another facility clearly identify the staff member that prepared said record.

Part 7024 Religion

Section 7024.9 Exercise of religious beliefs by prisoners in segregation

Findings: Commission staff noted that the facility had a blanket policy that incarcerated individuals housed in Delta housing were not allowed to congregate for religious activities or services.

Action Required: The facility shall ensure that incarcerated individuals confined in administrative or punitive segregation are not prohibited from exercising their religious beliefs consistent with requirements of section 7024.1(b).

Section 7024.11(a) Limitation on the exercise of religious beliefs

Findings: Commission staff noted that incarcerated individuals housed in Delta housing were not allowed to congregate for religious activities or services. Commission staff noted that said determination was not done in accordance with 7024.11(a).

Action Required: The facility shall ensure that any determination made by the chief administrative officer to limit the exercise of the religious beliefs of any prisoner shall be made in writing and shall state the specific facts and reasons underlying such determination. A copy of this determination shall be given to any person affected by the determination.

Section 7024.11(b) Limitation on the exercise of religious beliefs

Findings: Commission staff found that since the determinations made by the chief administrative officer to limit the exercise of the religious beliefs of an incarcerated individual was not being made in accordance with 7024.11, said determination was not reviewed and maintained as per section 7075.5 and 7075.6.

Action Required: The facility shall ensure that any determination made pursuant to subdivision (a) of section 7024.11, shall be reviewed and maintained in accordance with sections 7075.5 and 7075.6.

Previously Identified Open Issues

Part 7003 Security and Supervision

Section 7003.3(i)(5) Supervision of prisoners in facility housing areas

Action Required: The facility shall take corrective action to ensure that staff record all required elements, including the reason for and the name of the individual ordering or discontinuing additional supervision within the supervision records.

Finding: Commission staff reviewed the facility's constant watch log and found that the facility staff was documenting all required information.

Status: Closed

Part 7008 Visitation

[REDACTED]

[REDACTED]

Status: Closed

Part 7028 Exercise

Section 7028.6(b) Limitation of exercise

Action Required: The facility shall take corrective action to ensure that any determination to deny, revoke or limit an incarcerated individual's exercise period is made by the chief administrative officer, in writing, and state the specific facts and reasons underlying the determination. Additionally, a copy of this determination shall be provided to the affected incarcerated individual.

Findings: Commission Staff reviewed medical documentation and noted instances in which incarcerated individuals receiving medical treatment were deprived of exercise; however, no written determination was conducted pursuant to 7028.6(b).

Status: Open, pending the facility taking corrective action to comply with the action required, and Commission staff's review during a future site visit.

Part 7032 Grievance Program

Section 7032.4(h) Facility program requirements

Action Required: The facility shall ensure that facility staff are only rendering a grievance non-grievable when it meets the criteria set forth in this section.

Findings: Commission staff reviewed several grievance packages and found that the grievance coordinator continues to issue determinations that grievable grievances are non-grievable.

Status: Open, pending the facility taking corrective action to comply with the action required, and Commission staff's review during a future site visit.

Section 7032.6 Grievance program forms

Action Required: The facility shall ensure that facility staff are maintaining a complete record of all grievances.

Findings: Commission staff reviewed several grievance packages and found that the facility continues to omit Part II of the grievance from the records.

Status: Open, pending the facility taking corrective action to comply with the action required, and Commission staff's review during a future site visit.



**Commission of
Correction**

MARCH 2024

**MINIMUM STANDARD EVALUATION
OF HUMANE ALTERNATIVES TO LONG-TERM SOLITARY
CONFINEMENT (HALT)**

for the

BROOME COUNTY JAIL

MINIMUM STANDARD EVALUATION OF HALT BROOME COUNTY JAIL

Below are the results of Commission staff's evaluation of the Broome County Jail:

Part 7003 Security and Supervision

Section 7003.3(j)(6)(v),(vi),(vii) Supervision of prisoners in facility housing areas

Findings: Commission staff found that the facility is not documenting when those incarcerated individuals, who are subject to segregation, are confined to a cell, released from a cell, and refuse to leave a cell. Specific instances were noted in the medical housing area, when staff members all individuals out of their cells to perform different activities in the area, no log entries are made to document such.

Action Required: The facility shall ensure that staff are documenting, in housing unit logbooks, all instances in which incarcerated individuals, who are subject to segregation, are confined to a cell, released from a cell, and refuse to leave a cell.

Part 7006 Discipline

Section 7006.7(c) Administrative segregation pending a disciplinary hearing

Findings: Commission staff reviewed administrative segregation reviews and found that the documentation did not contain specific facts and reasons underlying the determination. The facility did amend their form prior to the close of the sit visits; however, this must remain open to ensure consistency in practice.

Action Required: The facility shall ensure that all reviews of administrative segregation determinations are made by the chief administrative officer, in writing, and state the specific facts and reasons underlying the determination of continued confinement.

Part 7075 Confinement and Deprivation

Section 7075.4(a) Confinement

Findings: Commission staff noted that incarcerated individuals housed in the medical area do not appear to be offered time outside of their cell following the completion of medical or mental health treatment. It should be noted that it was difficult to determine compliance due to the lack of housing unit logbook entries regarding out-of-cell time.

Action Required:

- 1. The facility shall immediately discontinue the complete deprivation of out-of-cell time and ensure that at least 7 hours of out-of-cell time is provided to those subjected to segregation. If the facility wished to impose segregated confinement, then they shall adhere to the requirements of Part 7076.**
- 2. The facility shall ensure that any incarcerated individual assigned to an individual or multiple occupancy housing unit shall have unrestrained access to adjoining dayroom space, unless otherwise permitted by this section.**

Section 7075.5(b) Deprivation of essential services

Findings: Commission staff noted that Individuals housed in the medical housing areas are offered outdoor exercise daily; however, they are not offered any other out of cell time and are often deprived of essential services due to medical reasons. Upon review of documentation concerning the deprivation of essential services, there were deprivations occurring that were not documented at all, and documentation did not consistently state the specific facts and reasons

underlying the determination.

It should be noted that this was a previously open issue from an evaluation conducted in December 2022.

Actions Required: The facility shall ensure that all determinations to deny, restrict or limit essential services are made by the chief administrative officer, in writing, and state the specific facts and reasons underlying the determination.

Section 7075.5(c) Deprivation of essential services

Findings: Commission staff noted that the facility is not consistently documenting reviews at intervals not to exceed 7-days. This inconsistently seemed to mostly affect those housed in the medical housing area.

It should be noted that this was a previously open issue from an evaluation conducted in December 2022.

Actions Required: The facility shall ensure that any determination to deprive an essential service is reviewed by the chief administrative officer at intervals not to exceed seven days. Following each such review, the chief administrative officer shall document, in writing, a summary of any consultation with health staff, whether such determination shall continue or cease, and state the specific facts and reasons underlying the continuance or termination.

Section 7075.6 Recordkeeping

Findings: Commission staff noted that facility maintains a centralized record within a binder stored in the Captain's office; however, the record was not up to date and did not contain records beyond February 2023. Additionally, there were a number of records stored within the medical area that were never transferred to the centralized record.

Action Required: The facility shall ensure that they maintain a centralized record of all written determinations and reviews required by Part 7075, Confinement and Deprivation.

Part 7076 Segregated Confinement

Section 7076.3 Policy

Findings: As previously noted in this report, incarcerated individuals housed in the medical housing areas do not appear to be offered out-of-cell time once they have completed medical or mental health treatment; specifically, upon completion of quarantine and/or constant supervision.

The facility is reminded that confinement for medical or mental health treatment shall be documented in the plan of care and shall cease immediately upon completion of such treatment.

Action Required: The facility shall immediately discontinue the practice of imposing segregated confinement, unless otherwise authorized by Part 7006, Part 7076 and/or Part 7077. Furthermore, if the facility chooses to impose segregated confinement, they shall adhere to the requirements concerning the conditions, programming, duration, recordkeeping, and reporting of segregated confinement, as required by Part 7076, Segregated Confinement.

Section 7076.5(a),(b) Programming

Findings: As previously noted in this report, incarcerated individuals housed in the medical housing areas appear to be held in segregated confinement upon the completion of medical or mental health treatment and are not being provided out-of-cell programming as required by these sections.

Action Required: The facility shall ensure that incarcerated individuals in segregated confinement shall be offered out-of-cell programming at least four (4) hours per day, including at least one (1) hour for exercise. This programming must be led by program or therapeutic staff five (5) days per week, except on recognized state legal holidays. All other out-of-cell time may include peer-led programs, time in a day room or out-of-cell recreation area with other people, congregate meals, volunteer programs, or other congregate activities.

If the facility cannot meet the programming of this section, it shall discontinue the use of segregated confinement until they can adequately meet the aforementioned programming requirements.

Section 7076.7(c) Recordkeeping and reporting

Findings: Commission staff noted that the facility does post segregated confinement data on their website; however, the data that is posted does not contain all of the information required by this section.

Action Required: The facility shall ensure that its website contains current data relating to the reporting of segregated confinement, as required by this section.

Part 7077 Residential Rehabilitation Units

Section 7077.7(c) Recordkeeping and reporting

Findings: Commission staff noted that the facility website does contain data relating to residential rehabilitation units; however, that data that is posted is related to those subjected to standard confinement and does not contain all of the information required by this section.

Action Required: The facility shall ensure that the facility website contains current data relating to the reporting of residential rehabilitation units, as required by this section.

Previously Identified Open Issues

Part 7006 Discipline

Section 7006.7(b) Administrative segregation pending a disciplinary hearing

Action Required: The facility shall take corrective action to ensure that, within 24 hours of confinement for administrative segregation pending a hearing, the incarcerated individual is provided with a written statement setting forth the reason(s) for confinement, as required by this section.

Findings: Commission staff reviewed administrative segregation orders and found that incarcerated individuals are provided written statements setting forth the reasons for confinement.

Status: Closed

Section 7006.8(h) The disciplinary hearing

Actions Required: The facility shall take corrective action to ensure that:

1. **The hearing disposition is documented, within five business days, with a finding of guilt or innocence and the evidence relied upon by the hearing officer in reaching such finding.**
2. **A copy of the disposition is provided to the incarcerated individual, within five business days.**

Findings: Commission staff reviewed disciplinary records and found that the facility appears to be:

1. Completing hearing dispositions within five business days following a disciplinary hearing;
2. Providing copies of hearing dispositions to incarcerated individuals within five business days.

Status:

1. **Closed**
2. **Closed**

Part 7075 Confinement and Deprivation

Section 7075.4(d) Confinement

Action Required: The facility shall take corrective action to ensure that an administratively segregated incarcerated individual is only confined in special housing upon a written determination, by the chief administrative officer, with specific facts and reasons underlying that determination, as required by this section.

Findings: Commission staff found that the chief administrative officer is completing the requisite documentation to house incarcerated individuals held in administrative segregation in special housing.

Status: Closed