



ULSTER COUNTY COMPTROLLER

March Gallagher, Esq.

Sheriff's Office Corrections Capacity and Staffing Audit

August 2020



**ULSTER COUNTY
OFFICE OF THE COMPTROLLER**

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March S. Gallagher, Esq.
Comptroller



Christopher Quirk, CPA
Deputy Comptroller

Dear County Executive Ryan, Legislative Chairman Donaldson, Sheriff Figueroa & Fellow Taxpayers:

The Ulster County Comptroller's Office has completed an audit of the corrections capacity and staffing at the Ulster County Sheriff's Office.

The goal of our audit was to examine whether the facility size and staffing of the Ulster County Law Enforcement Center (UCLEC) are appropriate for the needs of the community and to gather the full costs associated with corrections operations in Ulster County.

We found that this very large well-run facility may be larger than the community needs. The average daily census of inmates (280 in 2018 pre-bail reform and averaging 122 in 2020) has never approached the maximum facility capacity (458) and the number of inmates incarcerated has steadily declined since 2014. While the number of incarcerated people has declined, mandated staffing has remained unchanged (158), and costs have continued to rise creating a situation where the cost per inmate has risen dramatically.

The facility staffing requirement is set by the New York State Commission on Corrections and has not changed since 2012. We recommend that Sheriff Figueroa petition the Commission for a reduction in facility capacity and commensurate staffing. In addition, we recommend that contracts be reviewed to ensure they are based on estimates that more closely match the UCLEC's actual populations. Finally, we recommend that the Sheriff's Annual Report to the Legislature include all year-end expenses as well as those costs of building maintenance and debt service for the UCLEC so that law makers and taxpayers gain a complete understanding of the costs of corrections operations.

Examination of the cost of operations to ensure that they are commensurate with the needs of the community is imperative given the constrained fiscal environment Ulster County now faces. In this way we can preserve resources for those programs and services that are essential but non-mandated such as the Road Patrol division of the Office of the Sheriff which provides front line law enforcement in Ulster County.

I thank the Ulster Sheriff and his staff for their assistance in facilitating this audit and for the invitation to visit the facility.

If we can be of assistance to you, or if you have any questions concerning this report, please feel free to contact us.

Respectfully submitted,

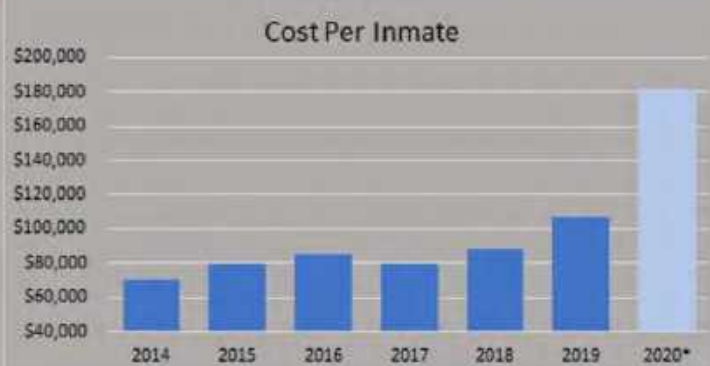
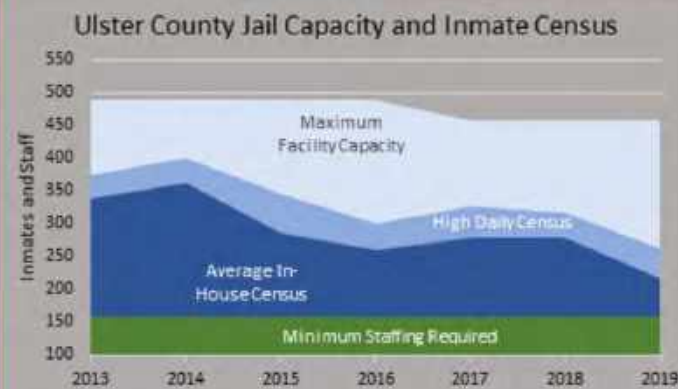
A handwritten signature in blue ink that reads "March S. Gallagher".

Ulster County Comptroller

COMPTROLLER'S SNAPSHOT

Ulster County Law Enforcement Center was built for a large population. Reductions in crime rates have led to a declining inmate population, yet costs continued to rise escalating the cost per inmate substantially. Now with bail reform reducing populations further and the county facing revenue shortfalls, corrections expenditures should be adjusted to need so other programs can be funded.

WHY WE AUDITED the Corrections Unit of the Ulster County Sheriff: Corrections is 7% of the overall County budget. The facility was built to accommodate a jail population that never materialized and has drastically decreased from 2014 as the cost of managing the facility has regularly increased year after year.



* 2020 budgeted post-bail reform, 2014-2019 actuals & pre-bail reform average daily census
** does not include debt service or building maintenance costs

What We Found

Maximum facility capacity, minimum staffing requirements, healthcare and food service contracts are larger than necessary.

The Annual Report of the Sheriff's Office presented to the Legislature understated expenses by \$4.8m due to timing of year-end close to the books.

Building maintenance, utilities, bond interest, insurance, and workers compensation are budgeted in other departments, understating the true cost of corrections by a minimum of \$2.28m.

What We Recommend

The County should call for review by the NYS Commission on Corrections to reduce capacity and staffing levels and lessen the cost of operations. Healthcare and food service contracts should be adjusted based on actual average daily censuses.

The timing issue between the year-end close and the release of the Sheriff's Annual Report should be resolved and an amendment with updated information be distributed when appropriate.

The Sheriff's Annual Report should include all costs associated with operating the Ulster County Law Enforcement Center, including maintenance and other costs.

OBJECTIVES

The overall objective of the audit is to assess the framework of the Corrections division, specifically, the audit sought to:

- Evaluate if the current Maximum Facility Capacity (MFC) is appropriate for the needs of Ulster County's jail population.
- Determine what costs may be tied to MFC and the requisite minimum staffing requirement.
- Assess if the value of overhead and administrative costs is being fully captured.

EXECUTIVE SUMMARY

The Ulster County Law Enforcement Facility (UCLEC) came online in 2007, nearly 2 years late and \$30 million over budget.¹ Since that time the UCLEC has carried large costs to the Ulster County taxpayer, with an expense total for 2019 of \$24.4 million.² As the Ulster County jail population has been on a decline since 2014 and the costs of the facility have continued to increase, our office took a closer look as we face resources constraints. This audit reviewed staffing at the Ulster County Corrections unit focusing on custody of the inmate population and minimum facility staffing requirements as set by the New York State Commission on Corrections (NYS COC) and the expenses associated with both.

Ulster County's inmate population has trended downward as a result of declining crime rates prior to the recent bail reform legislation. With bail reform and diversion practices county jail populations statewide have further been reduced 44%.³ In 2014, according to the Department of Criminal Justice Statistics (DCJS), Ulster County had 362 average daily in-house census inmates⁴ or 74.2% of capacity, the highest population since opening. Prior to bail reform, the 2018 average daily in-house census was 280 inmates and in 2019 the average daily in-house census dropped to 217 inmates. As of June 2020, we have found the inmate population has been further reduced to 122 average daily in-house inmates or 26.6% of capacity.

1. CRREO, *A Collaborative Approach to County Jailing in the Hudson Valley, Investigating the Potential for Collaboration amongst the County Jails in Columbia, Dutchess, Orange, Putnam, Rockland, Sullivan and Ulster Counties*, (November 2011), p. 57, available at https://www.newpaltz.edu/media/the-benjamin-center/jail_study_final_report.pdf.

2. Ulster County financial software system, New World ERP, Jail Budget (3150), Buildings Budget (1620.1216) with 65% cost allocation factor based on actual expenses applied, and Debt Service Budget (W9710.4450.7000.7000) with 65% cost allocation factor applied.

3. NYS DCJS, NYS Jail Populations (Annual) 10 Year Trends: 2010-2019 (accessed January 21, 2020) available at https://www.criminaljustice.ny.gov/crimnet/ojsa/jail_pop_v.pdf.

4. Open Data NY, Jail Populations by County Beginning 1997, (accessed June 28, 2020), available at <https://data.ny.gov/Public-Safety/Jail-Population-By-County-Beginning-1997/nymx-kgkn/data>

The NYS COC originally set the MFC at 426, increased it to 488 in 2013 as a result of double bunking, and then reduced it to 458 inmates in 2017. The mandated staffing level has remained constant at 158 correction officers since 2013.⁵

The NYS COC, charged with the oversight of NYS correctional facilities has adopted standards for county jails which include maximum facility capacities and minimum jail staffing requirements.⁶ Minimum facility staffing depends on the physical plant of the facility; the maximum prisoner capacity of the facility; and other unique factors.⁷

Our audit found the minimum staffing requirement and the MFC are too large for the Ulster County jail population given the pre-bail reform in house census statistics from the past 10 years. Additionally, our audit determined that all overhead costs are not being allocated to the UCLEC and the Sheriff's 2019 Annual Report understated expenses as a result of timing of year-end close to the County's books.

In conclusion, the Sheriff should petition NYS Department of Corrections to lower MFC, request a new Position and Staffing Review, and revise contracts tied to inmate populations. The Sheriff's Office should work to resolve the timing issue between the year-end close and the mandated annual report or the Sheriff's Office should issue an amendment with updated information once all County financial information has been recorded. The Sheriff's Office should report all costs associated with the operation of the UCLEC in its Annual Report to the Legislature including costs budgeted to other departments. Further, the Sheriff's Office should allocate the costs between each unit by square footage to make clear distinction between administration, road patrol, corrections and the civil divisions.



5. Office of the Sheriff, Annual Reports (2013-2019).

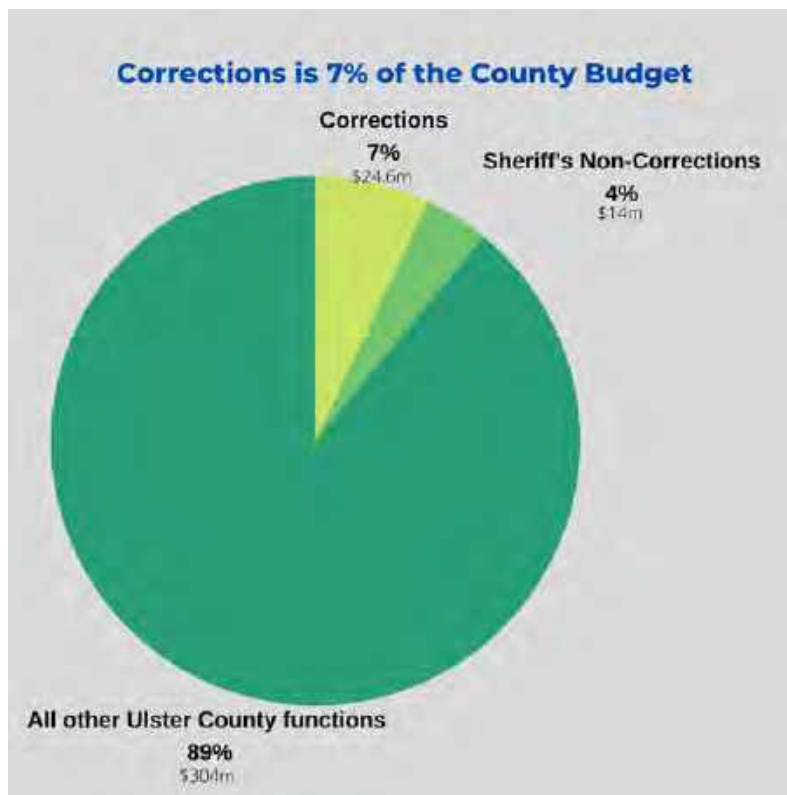
6. SCOC, Chapter 1: Minimum Standards and Regulations for Management of County Jails and Penitentiaries. 9 NYCRR §7040.7.

7. 9 NYCRR §7041.2 (b).

BACKGROUND

The Sheriff is responsible for a wide variety of law enforcement duties, including providing detention of persons arrested or under court order, operating the county jail, running inmate and post-custody transitional programming, providing bailiff services to the courts and security services to other county departments. Many of the Sheriff's duties, specifically corrections staffing, are mandated by State law and driven by factors beyond the Sheriff's control. The Sheriff operates under constraints from the County's general fund budget, which is subject to providing state-mandated services, voter-approved restrictions and legislative priorities.

Operation of the UCLEC is a significant portion of the Ulster County budget. The cost of operating the UCLEC is 7% of the total Ulster County budget. The lion share of operating costs of the UCLEC are born by the local taxpayer and the local taxpayer share has grown from 90% to 98% of budgeted expenditures between 2014 and 2019 because of the reduction in in-boarding revenues.



The tables that follow depict the UCLEC operating actuals from 2017-2019, including the facility expenses incurred by the Buildings & Grounds Department. For the purpose of this audit we included a proportion of the interest payments on debt service attributable to the corrections use of the UCLEC. Bond repayment schedule for the \$34.9 million bond associated with the UCLEC has a 2020 total payment of \$3,221,344.⁸

8. Of that, \$2,050,000 is principal and \$1,171,343.76 is interest. In our schedule of expenses related to the corrections function below, we use 65% of the interest payment since 65% of the total Sheriff's Office operating budget is corrections expenses.

Ulster County Jail Expenses & Revenues					
Account Description	2017 Actual	2018 Actual	2019 Actual	2020 Budget	% Change 2017 to 2019
Regular Pay	8,940,383	9,095,107	8,955,320	10,145,344	0%
Part Time Pay	175,795	146,548	274,899	212,250	56%
Overtime Pay	1,391,491	1,636,050	1,497,189	1,062,280	8%
Employee Benefits	5,701,149	5,457,815	5,648,593	5,644,623	-1%
207-C Compensation Pay	260,944	181,533	287,195	182,000	10%
Contractual Pays	1,041,531	1,065,418	1,300,108	1,131,500	25%
PERSONNEL SUBTOTAL	\$ 17,511,294	\$ 17,582,471	\$ 17,963,304	\$ 18,377,997	3%
Computer Equipment	34,938	20,912	32,406	33,461	-7%
Equipment & Capital Outlays	24,846	9,712	-	13,760	-100%
Supplies	240,229	341,204	349,523	278,370	45%
Food Service	722,097	718,186	556,306	567,530	-23%
Professional Services	2,680,352	2,755,064	3,174,620	3,274,876	18%
Conference Expenses	2,075	1,936	13,065	5,000	530%
Travel	5,883	6,642	7,357	16,500	25%
Misc Contractual Expense	31,494	35,961	35,475	38,796	13%
Communication Expenses	13,085	17,364	2,481	18,000	-81%
Maintenance	159,426	158,166	183,383	196,050	15%
Building & Grounds Facility Expense	700,242	673,220	669,361	753,753	-4%
Debt Service (Interest only)	909,183	861,863	812,593	761,373	-11%
Total Expenses Jail	\$ 23,035,144	\$ 23,182,701	\$ 23,799,875	\$ 24,335,466	3%
Departmental Income	2,488	8,219	4,966	-	100%
Intergovernmental Charges	304,938	968,095	153,500	-	-50%
Sales of Prop. & Comp. for Loss	98,936	18,052	25,505	12,000	-74%
Use of Money & Property Commissions				270,000	
Miscellaneous Local Sources	1,622	602	1,023	-	-37%
State Aid Other Public Safety	12,776	14,425	15,645	12,500	22%
Federal Aid Other Public Safety	24,396	97,098	54,518	29,200	123%
Total Revenues Jail	\$ 445,157	\$ 1,106,492	\$ 255,158	\$ 323,700	-43%

Staffing along with food and professional services are driving costs and combined make up 90% of the overall operating expenses associated with the UCLEC correction unit. This led us to examine both the staffing and professional contracts in more detail.

We looked at the NYS COC calculation for minimum staffing requirements. NYS COC regulates staffing for County operated jails. This amount of staff, known as the *minimum facility staffing requirement*, means the number of persons necessary to provide care, custody and control for all inmates and to perform all other necessary facility functions during each shift regularly scheduled within a 24-hour period.⁹ In determining the *minimum facility staffing requirement*, the NYS COC considers the physical plant of the facility; *the maximum prisoner capacity of such facility*; and any other factors unique to each facility.¹⁰ Upon making such determination, the NYS COC evaluates the total number of people needed to perform such functions during each such shift.¹¹

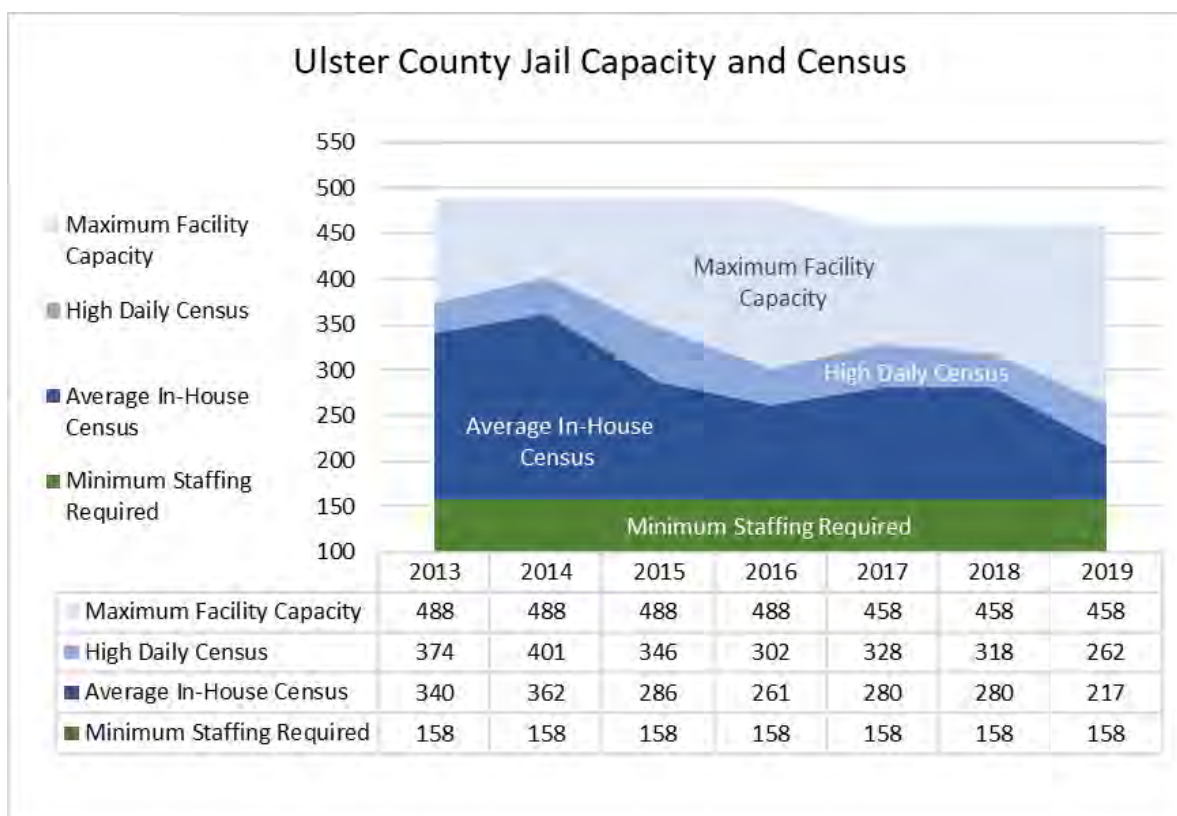
9. This minimum number of staff is then multiplied by the *full coverage factor*. 9 NYCRR §7041.4. The NYS COC calculates *estimated on-duty days*, or the number of days per year a facility employee is available for duty, and then divides the estimated on-duty days by 365 to calculate the *full coverage factor*. 9 NYCRR §7041.3(b)(d). 10. The full coverage factor is designed to employ enough people to perform facility functions 365 days per year. 9 NYCRR §7041.3 (a).

10. 9 NYCRR §7041.2 (b). NYS COC sets *maximum facility capacity* as the greatest number of inmates that may be confined at one time within each correctional facility. 9 NYCRR §7040.2. The NYS COC formulates the maximum facility capacity based on properly equipped individual and multiple occupancy units, admissions, medical and mental health, and other special housing units as well as the ability to provide required programs and services and remain in regulatory compliance. 9 NYCRR §7040.7(b).

11. 9 NYCRR §7041.2 (c).

The UCLEC had an original rated maximum facility capacity of 426 inmates; however, in 2012, the NYS COC increased the MFC to 488 based on double bunking.¹² The NYS COC then reduced the MFC from 488 to 458 in 2017 based on a reduction in double bunks.

While maximum facility capacity has dropped 30 beds, actual inmate population of the UCLEC has declined significantly more. According to DCJS data the average daily in-house census for the UCLEC has dropped from 362 in 2014 to 217 in 2019. The average daily census of women has dropped from a high of 43 in 2014 to 29 in 2019. The closest that the average daily high ever came to the MFC was 2014 when it was 82% of MFC. In 2019, the most recently reported full year, the average daily high was 57% of MFC.



Despite these changes to MFC and the average daily in house census of inmates, the mandated staffing has not changed at all since 2013.¹³ The Ulster County Corrections unit is supervised by a mandated security staff of 158.¹⁴ The 2020 Ulster County adopted budget funded 161 positions to operate and manage the facility.¹⁵ Currently, a number of correction officer positions are vacant due to resignations and retirements. Decreasing inmate population without commensurate decreases in expenses (and in fact increases) *has escalated by 161% the per inmate cost based on average daily census, from \$69,000 in 2014 to \$181,000 in 2020.*¹⁶

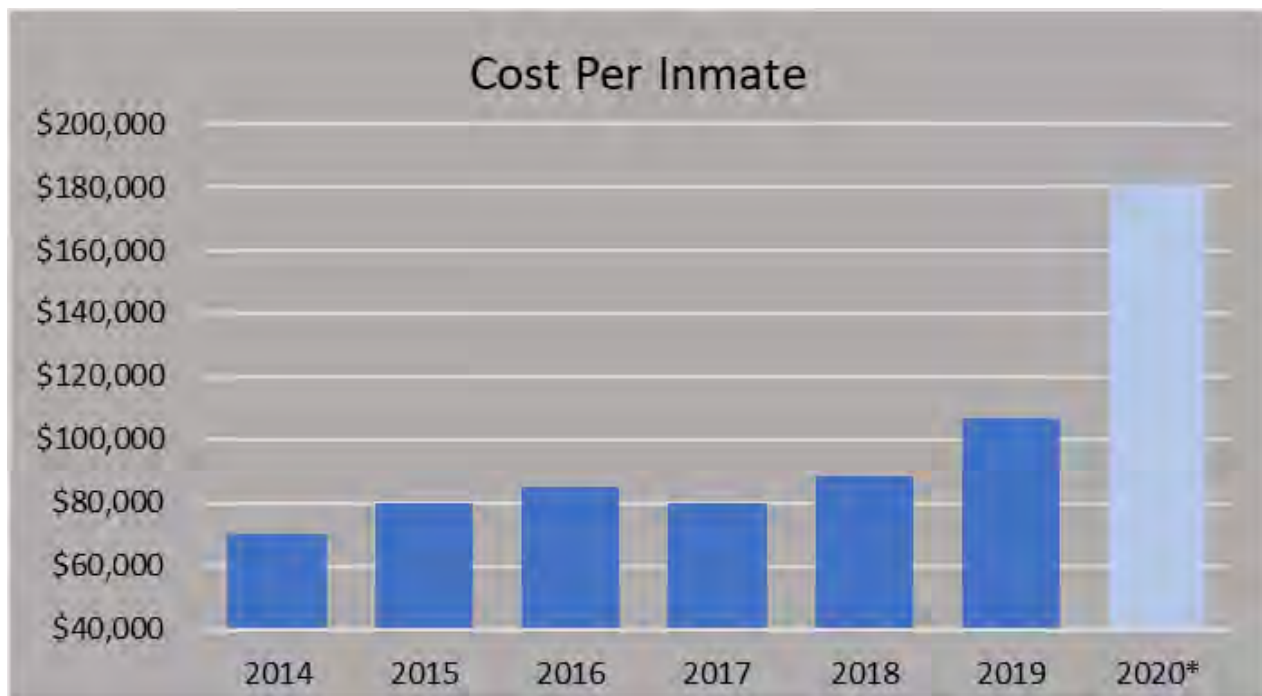
12. Office of the Sheriff, 2013 Annual Report p. 6 (2013).

13. Office of the Sheriff, 2017 Annual Report p. 6 (2017).

14. Office of the Sheriff, 2019 Annual Report p. 35 (2019).

15. Ulster County, 2020 Adopted Budget, page 88.

16. Division of Criminal Justice Service, Jail Populations in New York State, Average Daily Census by Month, (accessed July 27, 2020) available at https://www.criminaljustice.ny.gov/crimnet/ojsa/jail_population.pdf



* 2020 budgeted & post-bail reform , 2014-2019 actuals & pre-bail reform average daily census
 **does not include debt service or building maintenance costs

Upon a change of any factor, the chief administrative officer, the Sheriff, may apply to the NYS COC for a revision of the maximum facility capacity¹⁷ and the NYS COC will make a revision decision within 60 days.¹⁸ Although the NYS COC has indicated it may not make MFC or staffing reductions as a result of bail reform until more time has elapsed, *the over capacity of the UCLEC pre-dates bail reform*. Meanwhile, the NYS COC has continued to consider changes to MFC throughout 2020.¹⁹ For example, in July 2020 the NYC COC reduced the MFC for the Wayne County jail from 190 to 109 inmates.²⁰

As county jail populations decrease across the state discussions regarding the future of county jails has become more evident. The Ulster County jail has long been thought of as a large facility not living up to its potential. As historical data has shown the jail population is not using the capacity the ULEC has to offer. With bail reform, diversion policies, and the call for justice system transformation this county asset could better serve the people of Ulster County.

17. 9 NYCRR §7040.8 (a)-(b).

18. 9 NYCRR §7040.8.

19. NYS COC January 22, March 31, May 19 & July 8th, 2020 minutes addressing MFC changes for Otsego, Monroe, Erie, Wayne, Schoharie & Monticello Counties (accessed July 20, 2020) available at <https://scoc.ny.gov/commissionmeetings.htm>.

20. NYS COC July 8, 2020, Maximum Facility Capacity for Wayne County Jail, (accessed July 20, 2020) available at <https://scoc.ny.gov/pdfdocs/July%208%202020%20Commission%20meeting%20agenda.pdf>

In 2009 and 2011 The SUNY New Paltz Center for Research, Regional Education and Outreach (CRREO) conducted studies of jails within the Hudson Valley on a regional approach to jailing. Both reports focused on the potential of avoiding capital costs for jails in counties with antiquated infrastructure and the possibility for controlling or diminishing operating costs through collaboration. The 2009 study noted that the combined eight Hudson Valley counties (Ulster, Dutchess, Greene, Sullivan, Columbia, Putnam, Orange and Rockland) had sufficient jail capacity to meet the current and future demands.²¹ Ulster County has the capacity to serve as a regional jail facility that could meet the demands of other counties which could offset the costs of operating the facility with additional revenues.

Another use implemented by the Albany County Sheriff created a new program. Sheriff Apple has dedicated a space meant to help end homelessness in the Albany County community. The program used an empty tier within the jail to create transitional housing and a one-stop resource for those struggling with homelessness, job loss, addiction or mental health issues.²²

The UCLEC may not currently meet standards that would allow it to operate additional programs. Further study may be necessary to determine what pods should close and potential reuses. New uses might require capital investments. The constrained fiscal environment facing Ulster County necessitates starting the conversation about how to better utilize UCLEC's potential.



21. CRREO: A Collaborative Regional Approach to Jailing in the Hudson Valley, *Discussion Brief #2*, (Spring 2009), p. 10, available at <https://www.newpaltz.edu/media/the-benjamin-center/discussionbrief2.pdf>

22. Times Union. *Homeless to be housed at Albany County Jail*, Steve Hughes (September 9, 2019) available at <https://www.timesunion.com/news/article/Albany-sheriff-plans-space-for-homeless-residents-14424220.php>

FINDINGS

FINDING 1: Maximum facility capacity, minimum staffing requirements and contracts for services are larger than necessary.

Condition

The Ulster County Corrections unit MFC and minimum staffing requirement are too high based on average monthly in-house census of inmates.

Effect

The Sheriff's Office does classification to segregate inmates to reduce conflict. Classification reviews gender, gang affiliation and other attributes which may require distancing inmates. Even with both classification and COVID 19 distancing, the Sheriff informed the Comptroller's Office that they have closed two pods.²³ Each pod requires

For the closure of every pod, five fewer corrections officers are needed.

4.95 staff (to operate over the 24-hour period). For the closure of every pod, five fewer corrections officers are needed. In addition, minimum staffing requirements allocate 8.25 corrections officers for Escorts/Rovers/Miscellaneous. With an average daily census that is 1/3 the maximum highest ever recorded census, significantly fewer corrections officers should be needed as Escorts/Rovers/Miscellaneous. Various other positions may be over staffed given the in-house censuses of inmate population even pre-bail reform level censuses. Ulster County is spending significant resources on staffing for a capacity that exceeds current demands.

The Sheriff's Office has two contracts collectively totaling millions of dollars that are based on a monthly average daily census that has not been an accurate measurement of the facility since 2014.

The Trinity Services Group Inc. contract (*EXHIBIT A*), provides all inmate meals based on volume²⁴ with the price having risen to \$2.30/per meal. This reduced volume price is based on minimum requirements in the contract that presumed average daily census of 325²⁵ and include onsite staffing of a Regional Manager, Food Service

23. Pod closure was discussed in person at our site visit. See APPENDIX A. Due to low population Pod G was closed according to the Quarterly report filed with NYS COC for the period 11/1/19-1/31/20, and then Pod G was reopened and due to low population Pod C was closed according to the Quarterly report filed with NYS COC for the period 2/1/20-4/30/20.

24. Trinity Services Group Inc. Invoice 3021500108 & Contract No. 2018-00000477, Amendment No. 1.

25. Contract No.2018-00000477, Schedule A: Scope of Work (I).

Director, and three (3) Food Service Supervisor/Cooks.²⁶ The contract also contemplates the cost of feeding correction officer staff from a separate menu.²⁷ Meal provision for staff does not appear to be a part of any collective bargaining agreement. Ulster County is paying the cost of approximately 973 meals for corrections staff each week.

In review of the inmate health services contracts with PrimeCare Medical, Professional Care Medical, Personal Care and Professional Care Dental (collected in a single contract and hereinafter PrimeCare) (EXHIBIT B), we found the vendor staffing based upon an average inmate population of up to 310 inmates.²⁸ The current average daily in-house population for the first six months of 2020 is 122 inmates. Even the pre-bail reform 2018 average daily in-house census of 280 inmates and 2019 average daily in-house of 217 inmates is significantly less than the basis of the contract.²⁹ The PrimeCare contract has been extended with a price increase effective May 1, 2020. The cost of this contract is driven in part by vendor staffing based on an average daily census that far exceeds current conditions.

Ulster County is at high risk of unnecessarily overspending on both the PrimeCare and Trinity Services Corp. contracts.

Ulster County is at high risk of unnecessarily overspending on both the PrimeCare and Trinity Services Corp. contracts.

Cause

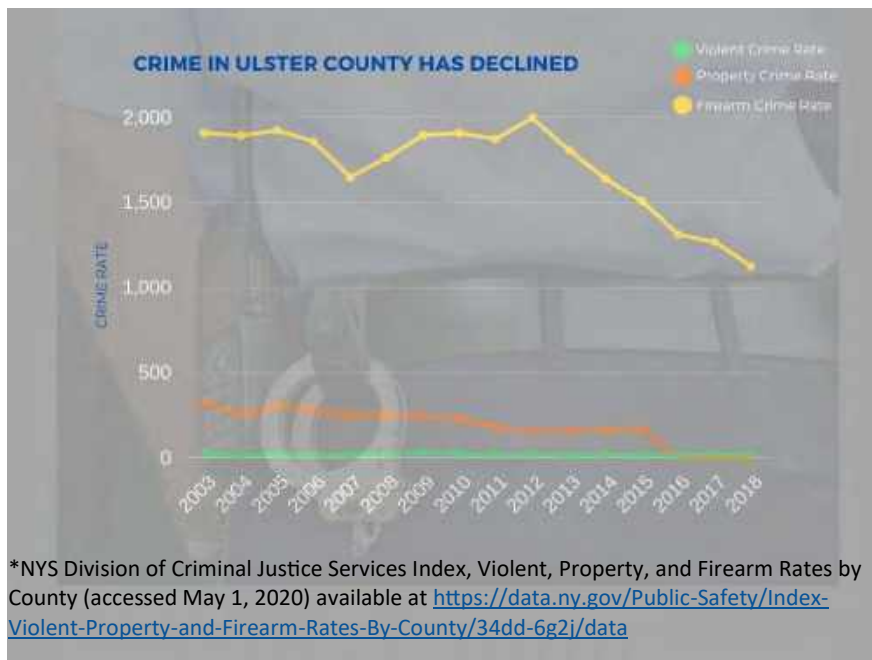
The average daily census at the UCLEC has dropped for a variety of reasons. Violent crime in Ulster County steadily declined 50% between 2003 from 322.8 per hundred thousand population to 161.4 in 2018 (the latest year for which data is available). In addition, property crimes decreased 41% and firearms crimes decreased 26% between 2003 and 2018.

26. Contract No.2018-00000477, Schedule A: Scope of Work (III)(A)(2).

27. Contract No.2018-00000477, Schedule A: Scope of Work (V) (5) (1-6).

28. Contract No.2019-00000465, Article I (1.14)

29. NYS DCJS, NYS Jail Populations (Annual) 10 Year Trends: 2010-2019 (as of 1/21/2020) & NYS DCJS, Jail /Populations Average Daily Census by Month (as of 7/1/2020).



In addition to crime reductions, the number of board-ins has dropped off from a high of 59 inmates to 5 in 2019.³⁰ Not only did Dutchess County institute mobile units for housing at its county jail,³¹ but with a change in leadership at the Ulster County Sheriff's Office, Greene County discontinued boarding out their inmates to Ulster in 2019. That relationship has since been repaired and Ulster was housing 10 Greene County inmates at last count. Declining inmate populations pre-dated bail reform, however, the enactment of bail reform on April 2019, and implementation in January 2020, further reduced the number of inmates held.

Criteria

NY Correction Law, §45(6) empowers the NYS COC to promulgate rules and regulations establishing minimum standards for correctional facilities.³² The NYS COC has issued regulations that guide the minimum staffing requirement for local correctional facilities. The minimum staffing requirement is in part driven by the maximum facility capacity, defined as the greatest number of inmates that may be confined at one time within each correctional facility.³³ The NYS COC issues a Position and Staffing Analysis for each county correctional facility. In Ulster County the current Position and Staffing Analysis was issued August 28, 2012 (*EXHIBIT C*) and revised August 28, 2013 to reclassify three positions (*EXHIBIT D*).

30. Open Data NY, Jail Populations by County Beginning 1997, (accessed June 28, 2020), available at <https://data.ny.gov/Public-Safety/Jail-Population-By-County-Beginning-1997/nymx-kgkn/data>

31. Dutchess County Government, Temporary Housing Units (PODS), (accessed July 15, 2020) available at <https://www.dutchessny.gov/Departments/Criminal-Justice-Council/Temporary-Housing-Units-PODS.htm>

32. 9 NYCRR §7041.1(a).

33. 9 NYCRR §7040.2.

Recommendation 1 -The Ulster County Sheriff should petition the NYS Commission on Corrections for a review of Ulster County's MFC and the minimum staffing requirement to reduce the costs of operating the facility.

Recommendation 2 – Contracts including health care and food service should be adjusted to have their base costs calculated on an average daily census that is in line with more recent average daily censuses.

Recommendation 3 -After reductions in capacity and staffing, Ulster County should evaluate the inboard rates to encourage other corrections departments to outboard their inmates with Ulster and to ensure all expenses are accounted for.

FINDING 2: The Sheriff's 2019 Annual Report is understating expenses due to the timing of year-end close.

Condition

The UCLEC is not capturing all annual costs prior to year-end closing in their 2019 Annual Report. The Sheriff's Office Annual Report compares incomplete 2019 expenses to a full year of 2018 expenses distorting the comparison.

Effect

Our audit found \$4.8M of expenses was booked to the UCLEC after the Sheriff's Office had pulled their data from the County's financial management system. This caused the report to erroneously claim a decrease in expenses of 8.49% compared to the prior year. When in fact, 2019 expenses increased by 5.83% over 2018.

Cause

Due to the requirement date of April 1 set forth in the Ulster County Administrative Code, for the delivery of the Sheriff's Annual Report to the County Legislature, all year-end 12/31/19 expenses were not recorded in the County's financial management system at the time the Sheriff's Office ran the expense report.

Criteria

Based on the modified accrual basis of accounting, expenditures must be included in the period in which they were expended. Year-to-year comparison should compare all relevant expenses or note otherwise.³⁴

34. GFOA (2020), Best Practices: Budget Monitoring (accessed July 20, 2020) available at <https://www.gfoa.org/materials/budget-monitoring>).

Recommendation 1 – We recommend the Sheriff’s Office work with the Department of Finance to resolve the timing issue between the year-end close and the Sheriff’s mandated annual report filing. If this cannot be achieved, we recommend the Sheriff’s Office issue an amendment with updated information once all County financial information has been recorded. Furthermore, as the 2019 Sheriff’s Annual Report presents an inaccurate financial account, we recommend the Sheriff issue an addendum as soon as possible to clear up the misreported information.

FINDING 3: All overhead costs are not being allocated to the Ulster County Law Enforcement Center

Condition

The Sheriff’s Office is not reporting all costs associated with operating the corrections facility in its Annual Report to the Legislature.

Effect

Not clearly identifying all expenses associated with the jail does not give the lawmakers and taxpayers a complete picture of what this facility costs to operate. When the Sheriff’s Annual Report is compiled and presented to the Legislature omitting these costs downplays its effect on the taxpayer.

Budgeting costs associated with a specific function outside of that department create less incentive for that department to manage costs. Our audit found \$1,029,785 in 2019 utilities and maintenance costs associated with the UCLEC accounted for in the Buildings and Grounds Department. Furthermore, the cost associated with worker’s compensation for non-corrections staff and general liability insurance are also not captured as direct costs to this facility and its staffing. In addition, interest on debt service associated with the UCLEC should be reported as well and accounted for \$1,250,143.76 in 2019.

Cause

It has been the County Executive Administration’s decision to allocate building maintenance and other county costs, such as debt service, general liability insurance and worker’s compensation for non-corrections staff under the units of government charged with the oversight in those areas.

Criteria

The Ulster County Administrative Code Section A20-2 (b) requires the Sheriff to report annually on the work of the Office. Effective budget monitoring allows a government to evaluate service level provision, ensure any new initiatives are making expected progress towards goals/expectations, learn more about trends and other deviations that may impact future operations, and finally demonstrate transparency.

Recommendation 1 - The Sheriff's Office should report all costs associated with the operation of the UCLEC in its Annual Report to the Legislature. Further, the Sheriff's Office should allocate the costs between each unit by square footage to make clear distinction between administration, road patrol, corrections and the civil divisions.

CONCLUSION

The Sheriff should petition NYS Department of Corrections to lower MFC, request a new Position and Staffing Review and revise contracts tied to MFC and average monthly inmate populations. Timing issue between the year-end close and the Sheriff's mandated annual report filing should be resolved, or the Sheriff's Office should issue an amendment with updated information once all County financial information has been recorded. The Sheriff's Office should report all costs associated with the operation of the UCLEC in its Annual Report to the Legislature. Further, the Sheriff's Office should allocate the costs between each unit by square footage to make clear distinction between administration, road patrol, corrections and the civil divisions.

****Management's Response**

Management's response to our recommendations will be included at the end of our report. If there are factual errors or incorrect information, we will notate these items in the last paragraph of our report.

NOTES TO THE SHERIFF'S OFFICE RESPONSE

Note 1

The Sheriff's response that our audit of the corrections division was unsolicited is noted. Most audits prepared by this Office are not prompted by the unit of government in question but are driven by public interest and input as well as fiscal analysis completed in preparation of our annual risk assessment. With that said, we have added clarification to APPENDIX A, Memorandum on Comptroller's staff site visit.

Note 2

We acknowledge the inclusion of the telephone commission budget in the information presented. Those amounts are not taxpayer funds and are used to offset expenses incurred for the benefit of the inmates. With that said, we have updated the "Ulster County Jail Expenses & Revenues" table as well as the "Cost per Inmate" chart to remove the telephone commission expenses as we agree those are expenses covered by the revenues it generates.

Note 3

We disagree with the Sheriff's statement regarding the food and medical contracts and that they "were completed using inmate averages at the time". The Trinity Food Services contract was signed into service on December 6, 2018 while the Prime Care Medical Contract was signed on April 30, 2019. The daily average census for both those years were 247 and 212, respectively.

Note 4

We acknowledge the missing citation to the crime statistics on page 9 of our report highlighted by the Sheriff in his response. This was an inadvertent oversight and we provide the following reference regarding our reference to crime statistics.

*NYS Division of Criminal Justice Services Index, Violent, Property, and Firearm Rates by County (accessed May 1, 2020) available at <https://data.ny.gov/Public-Safety/Index-Violent-Property-and-Firearm-Rates-By-County/34dd-6g2j/data>

APPENDIX A
MEMORANDUM

To: File
From: March Gallagher
Re: Site Visit 6/12/20 to the UCLEC
Date: June 18, 2020

Our audit workplan was paper based and we did not request or anticipate a site visit. However, the Ulster County Comptroller and Deputy Comptroller visited the Ulster County Law Enforcement Center on June 12, 2020, at the request of the Ulster County Sheriff. We met with Sheriff Juan Figueroa as well as Superintendent Jerome John and Warden Jon Becker. The Superintendent and Warden gave us a tour of the facility. The memorandum is meant to capture our observations of the facility on that day.

The Ulster County Law Enforcement Center (the Ulster County Jail) is an imposing structure at the southern end of the City of Kingston. The building is 277,000 square feet the majority of which is devoted to the serving as the County corrections facility (jail). The entrance to the facility has a hand sanitizing station. The southwestern part of the building, characterized by a two-story impressive rotunda reception area that has a window for pistol permits, and a guards' desk/reception where visitor temperatures are taken. This part of the building also contains the Sheriff's Department Civil Division, some of the District Attorney's Office, Stop DWI, Arson Task Force, URGENT, a well-equipped gymnasium, and the Criminal Division administration as well as a well-appointed conference room.

The Jail consists of 9 distinct pods designed to keep inmates from having to move around the facility as well as two dorm-style housing units, an infirmary and location for constant supervision. Each pod contains 48 separate units that each contain a bed, a sink and a toilet, with a solid door that closes but has a small window into the common area. Each cell also has a window to bring in light above eye level. Some rooms have been licensed for double bunking but with low occupancy, double bunking is not generally used. The pod contains two floors of rooms accessible through two open air stairways.

The pods each contain a central area that is combined recreational, eating and supervision. The entrance to the pod comes from behind a central supervision desk that contains the only on duty corrections officer in the pod. The CO can see all parts of the pod from a central vantage point. The pod contains an array of seating in theater style facing a television, a payphone bank, vending machines, a ping pong table, and an area for dining with several community tables with attached benches. The pod contains an outside recreation area appropriate for handball or basketball. The outside recreation area is fully contained and only accessible from inside the pod. The back wall of the pod contains a shower area that can accommodate multiple inmates in separate stalls, a laundry room, a classroom area and several small meeting rooms for one on one meetings between attorneys and clients or other service providers.

We visited dorm-style housing where over a dozen inmates are housed in a one room style bunk situation for inmates on reduced supervision and work detail. Despite the lower privacy in this location, the inmates have more autonomy in these living arrangements.

Other important areas of the correctional facility are a central security room where two officers observe all the pods and other areas of the jail via closed circuit cameras. This room has two officers except the 12:00 am to 8:00 am shift when there is just one.

A medical area (infirmary) has ample beds to house sick inmates with both dorm style hospital type sick rooms with 4 or more beds per room as well as 4 negative pressure rooms that were originally built in anticipation of potential tuberculosis in the jail population. The medical staff onsite includes four nurses and a nursing manager. The negative pressure rooms are used to house anyone with an infection but also to isolate certain inmates who might need to be kept separate from the rest of the population for other reasons. The medical area has at least 4 nurses and the equipment needed for a variety of medical procedures.

The kitchen/commissary area of the Jail is very large as it was built for the capacity of over 400 inmates. It has a food waste composting system for which the jail staff has difficulty in getting pickup of the output. The dishwashing system needs replacement, way earlier than expected.

The intake area of the Ulster County Jail mirrors much of the rest of the facility, it is built to handle volume. Inmates are brought in through a car port, double doors. The intake area contains individual holding cells that are only used if absolutely needed. Most inmates awaiting processing sit in a central waiting area with theater-style seating. The intake area has a medical intake room, metal detectors, the LiveScan equipment room. We were given a mini-demo of the LiveScan. It prevents the requirement for physically invasive body searches. Intake is overseen by a desk with at least two corrections personnel. Down the hall but accessible to the same area is the staff responsible for classification which is the processes by which inmates are reviewed for potential safety inmates such gang history or a risk of suicide.

Our final stop was to the warehouse part of the facility which contains a variety of inventory for use in the facility including items ranging from clothing dryers to paper towels. Items are stored on racking with at least 3-4 pallet positions of height. The warehouse also stores much of the County's COVID related PPE which is brought up to Emergency Management on Golden Hill for distribution. The Warehouse has a loading dock with a large garage door that was open at the time of our visit. The staff in the warehouse reported that they do not have an electronic or barcode inventory management system.

EXHIBIT A

SCHEDULE A SCOPE OF WORK

I. Program Overview

The Vendor shall provide an inmate food service program, staff meals and commissary services (the "Program") for the Ulster County Law Enforcement Center Jail located at 380 Boulevard, Kingston, New York 12401 (the "Jail") as further outlined below. The Vendor shall have access to the Jail commencing on November 1, 2018 for transition planning purposes, actual food and commissary service shall commence on December 3, 2018. The Jail has a current average daily population of three hundred twenty-five inmates and a maximum capacity of four hundred fifty-eight inmates. It is estimated that three hundred fifty-five thousand eight hundred and seventy-five meals are served per year. The County makes no guarantee as to the number of meals that will be required during a given period.

II. Existing Conditions and Use of Jail's Physical Plant and Equipment

- A. The Jail has a well-equipped kitchen but does not contain all equipment necessary for the Vendor's operations. Prior to the Vendor commencing operations at the Jail the Vendor and the County shall conduct an inventory and inspection of the food service equipment owned by the County. Upon completion of inventory and inspection should any County owned equipment require repair the County at its expense shall return the equipment to proper working order prior to commencement of the Vendor's services. After commencement of the Vendor's services the Vendor at its own cost shall be responsible for maintaining and repairing all County owned equipment in use by the Vendor normal wear and tear excluded. All County owned equipment shall remain the property of the County.
- B. Use of the Jail's physical plant and equipment is only an accommodation to the Vendor, the County makes no warranties, expressed or implied as to their continuous availability or fitness for use. The Vendor shall develop a contingency plan acceptable to the County for such an emergency.
- C. Vendor shall properly and safely use and operate all electrical, gas and plumbing fixtures, equipment or appliances connected thereto.
- D. Vendor shall report to the County any equipment or areas of the physical plant which needs repair or replacement this includes but is not limited to the monitoring of cooler/freezer temperatures and shall ensure its employees exercise due care in the use of such equipment. The County shall make repairs to the physical plant as it deems necessary.
- E. Vendor shall not make any alterations, additions, or removal of any walls, windows, floors, ceilings, doors, or fixtures, without prior written approval of the County. The Vendor shall not cover or obstruct any windows or other openings with blinds, drapes or other objects without prior approval from the Sheriff.
- F. The Jail does not have an inmate dining hall and all meals are served in the housing units.

III. Jail Food Service

- A. Staffing – all staffing shall meet at a minimum the levels and requirements set forth in the Vendor's proposal to RFP UC18-033 which is hereby incorporated by reference and hereby made a part of this Agreement.
 - 1. The Vendor shall maintain a trained staff, which shall be on duty for all twenty-one meals served each week. The Vendor shall provide efficient operation, expert administration, dietetic service, purchasing, accounting, supervision service, technical assistance and planning to fulfill all aspects of this Agreement.
 - 2. The Vendor shall provide a Regional Manager, Food Service Director and three (3) Food Service Supervisor/cooks to be in attendance whenever the kitchens are in operation, ensuring full and adequate employee coverage during all employee vacations, sick days, etc.

EXHIBIT B

2.2. Management Services. The Management Services to be provided by PrimeCare to the P.C.s are subject to the approval of the P.C.s and shall include, but not be limited to, the following:

- (a) staffing of non-licensed personnel, as described in more detail in Section 2.3 below, required to enable the P.C.s to comply with their obligations set forth in this Agreement;
- (b) secretarial and clerical functions, including coordination of patient visits and scheduling of patient visits;
- (c) business planning;
- (d) financial management, including causing annual financial statements and tax returns to be prepared for the P.C.s, providing to the P.C.s the data necessary for the P.C.s to file their tax returns and make any other necessary governmental filings, and submitting the P.C.s' tax returns to the P.C.s for signature;
- (e) bookkeeping, accounting, and data processing services;
- (f) materials management, including purchase and stocking of office equipment and supplies and maintenance of facilities;
- (g) administering or causing to be administered any welfare, benefit or insurance plan or arrangement of the P.C.s;
- (h) in consultation with the P.C.s, providing administrative advice and assistance with respect to human resources management;
- (i) billing and collection of accounts receivable, and accounts payable processing;
- (j) administrative support for any utilization and quality management activities performed by the P.C.s;
- (k) obtaining for the P.C.s agreed upon insurance coverages, including but not limited to the professional liability insurance described in Section 2.6;
- (l) paying for necessary legal services except with respect to any legal dispute between PrimeCare and each P.C.;
- (m) recommending new Providers for employment by the P.C.s, subject to the final approval of the P.C.s;
- (n) recommend Provider-candidates for shareholder status with the P.C.s, subject to the final approval of the P.C.s;
- (o) performing credentialing support services such as application processing and information verification;
- (p) negotiating contracts on behalf of the P.C.s, subject to each P.C.'s prior written approval; and
- (q) establishing procedures, subject to the County's and the P.C.s' approval and ultimate responsibility, to ensure that proper and complete medical records are maintained for Professional Services rendered pursuant to this Agreement.

2.3 Personnel. Subject to the approval of the County and the P.C.s, PrimeCare shall employ, contract with or otherwise make available to the Facility all non-licensed administrative personnel ("Personnel") necessary for the P.C.s to render Professional Services to inmates in accordance with the weekly staffing matrix detailed in Schedule A of this Agreement. Schedule A reflects the agreed upon staffing pattern necessary for PrimeCare to provide the Management Services and other services described in this Article II required by the Facilities for an average inmate population of up to 310 inmates.

The Health Services Administrator ("HSA"), or his/her designee will be responsible for arranging health care services pursuant to a written job description, contract or agreement. Clinical decisions shall be the sole providence of physicians and shall not be countermanded by non-clinicians. Registered Nurse (RN) coverage is

EXHIBIT C



STATE OF NEW YORK • EXECUTIVE DEPARTMENT
STATE COMMISSION OF CORRECTION
Alfred E. Smith State Office Building
80 S. Swan Street, 12th Floor
Albany, New York 12210-8001
(518) 485-2348
FAX (518) 485-2487

CHAIRMAN
Thomas A. Beilein

COMMISSIONER
Phyllis Harrison-Ross, M.D.

August 28, 2012

Sheriff Paul VanBlarcum
Ulster County Sheriff's Office
380 Boulevard
Kingston, New York 12401

RE: 9 NYCRR Part 7041: Position and Staffing Analysis

Dear Sheriff VanBlarcum:

Over the past several months, Commission staff completed several on-site visits in an effort to revise the Position and Staffing Analysis for the Ulster County Jail.

Commission staff reported their preliminary findings during exit interviews with you, Undersheriff Faluotico, Warden Acevedo, and other members of your executive team.

Efficiencies in staff posts were maximized to the extent possible. This included the consolidation of various posts and the reduction of the calculated full-coverage factor for some posts. To address the on-going need for *Constant Supervision* of at-risk inmates, one 24-hour post was established. However, given the savings realized from the consolidation of various posts, the establishment of the Constant Supervision post resulted in only a net increase of one Correction Officer.

The attached Position and Staffing Analysis reflects the requirements for the safe operation of the Ulster County Jail. It was completed in accordance with 9NYCRR, Part 7041, Staffing Requirements, and requires 158 security staff. You should submit any comments you have on the Position and Staffing Analysis, as well as the county's plan of action to meet the staffing requirements, by October 1, 2012.

If you have any questions concerning this document, please do not hesitate to contact me.

Sincerely,

Thomas A. Beilein
Chairman

cc: Undersheriff Frank Faluotico
Supt. James Hanstein
Warden Ray Acevedo

NEW YORK STATE COMMISSION OF CORRECTION
ALBANY, NEW YORK
PRIMARY SUPERVISION - AUGUST 2012

TASK ANALYSIS (Required Posts)	Day 8:00-4:00	Evening 4:00-12:00	Night 12:00-8:00	Other	TOTAL
Chief Administrative Officer (Superintendent)				1.00	1.00
Chief Administrative Officer (Warden)				1.00	1.00
Unit Chiefs (Captain)					
Operations				1.00	1.00
Administration				1.00	1.00
Junior Supervisors (Lieutenant)					
Watch Commander	1.00	1.00	1.00		3.00
Unit Supervisors (Sergeant or Corporal)					
Intake	1.00	1.00	1.00		3.00
Zone 3	1.00	1.00	1.00		3.00
Zone 4	1.00	1.00			2.00
Transportation/Charts	1.00				1.00
Grievance				1.00	1.00
Training				1.00	1.00
Control Rooms					
Main Control	2.00	2.00	1.00		5.00
Lobby Control	1.00				1.00
Missions					
Supervision	2.00	2.00	1.00		5.00
Classification	1.00	1.00			2.00
Prison Housing					
A Pod	1.00	1.00	1.00		3.00
B Pod	1.00	1.00	1.00		3.00
C Pod	1.00	1.00	1.00		3.00
D Pod	1.00	1.00	1.00		3.00
F Pod	1.00	1.00	1.00		3.00
G Pod	1.00	1.00	1.00		3.00
I Pod	1.00	1.00	1.00		3.00
K Pod	1.00	1.00	1.00		3.00
Dorm 1	1.00	1.00	1.00		3.00
Dorm 2	1.00	1.00	1.00		3.00
Prison Housing					
Infirmary	1.00	1.00	1.00		3.00
H Pod	1.00	1.00	1.00		3.00
Constant Supervision	1.00	1.00	1.00		3.00
Prison					
Observation & Searches	3.00				3.00
Tools/Rovers/Miscellaneous	5.00	4.00	2.00		11.00
Services	1.00	1.00			2.00
Line				1.00	1.00
Prison					
Education/Programs/Mail				1.00	1.00
Inside Work Program			1.00		1.00
Laundry		1.00			1.00
Work Program	1.00				1.00
Prison	6.00	6.00			12.00
Prison				1.00	1.00
Compliance/Intelligence				1.00	1.00
Management				1.00	1.00
TOTAL	40.00	34.00	21.00	11.00	106.00

TO 3
LETTER DATED 8/28/2013
ATTACHED

NEW YORK STATE COMMISSION OF CORRECTION
ALBANY, NEW YORK
PRIMARY SUPERVISION WITH COVERAGE FACTOR - August 2012

TASK ANALYSIS (Required Post)	Day 8:00-4:00	Evening 4:00-12:00	Night 12:00-8:00	Other	TOTAL
Chief Administrative Officer (Superintendent)				1.00	1.00
Assistant Chief Administrative Officer (Warden)				1.00	1.00
Unit Chiefs (Captain)				1.00	1.00
Operations				1.00	1.00
Administration				1.00	1.00
Tour Supervisors (Lieutenant)					
Watch Commander	2.00	2.00	2.00		6.00
Unit Supervisors (Sergeant or Corporal)					
Intake	1.65	1.65	1.65		4.95
Zone 3	1.65	1.65	1.65		4.95
Zone 4	1.65	1.65			3.30
Transportation/Charts	1.18				1.18
Grievance				1.00	1.00
Training				1.00	1.00
Control Rooms					
Main Control	3.30	3.30	1.65		8.25
Lobby Control	1.65				1.65
Admissions					
Reception/Intake/Supervision	2.83	2.83	1.65		7.31
Classification	1.18	1.18			2.36
General Housing					
A Pod	1.65	1.65	1.65		4.95
B Pod	1.65	1.65	1.65		4.95
C Pod	1.65	1.65	1.65		4.95
D Pod	1.65	1.65	1.65		4.95
F Pod	1.65	1.65	1.65		4.95
G Pod	1.65	1.65	1.65		4.95
I Pod	1.65	1.65	1.65		4.95
K Pod	1.65	1.65	1.65		4.95
Dorm 1	1.65	1.65	1.65		4.95
Dorm 2	1.65	1.65	1.65		4.95
Special Housing					
Infirmary	1.65	1.65	1.65		4.95
H Pod	1.65	1.65	1.65		4.95
Constant Supervision	1.65	1.65	1.65		4.95
Visitation					
Visit Observation & Searches	2.82				2.82
Escorts/Rovers/Miscellaneous	8.25	6.60	3.30		18.15
Food Services	1.65	1.65			3.30
Discipline				1.18	1.18
Programs					
Education/Programs/Mail				1.18	1.18
Inside Work Program			1.65		1.65
Laundry		1.18			1.18
Outside Work Program	1.00				1.00
Transportation	7.08	7.08			14.16
IT Records				1.00	1.00
Safety/Compliance/Intelligence				1.00	1.00
Data Management				1.00	1.00
TOTAL	59.34	52.22	35.00	11.36	157.92

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

PLANNING BASE - COVERAGE FACTORS- August 2012

Primary Supervision Position Analysis	Tour 8:00 - 4:00	Tour 4:00 - 12:00	Tour 12:00 - 8:00	Tour other	Total
Chief Administrative Officer				1.00	1.00
Assistant Chief Administrative Officer				1.00	1.00
Chief of Operations				1.00	1.00
Chief of Administration				1.00	2.00
Tour Supervisor	1.00	1.00	1.00		3.00
Unit Supervisor	4.00	3.00	2.00	2.00	11.00
Task Supervision	35.00	30.00	18.00	5.00	88.00
Totals	40.00	34.00	21.00	11.00	106.00

Planning Base	7 Day FCF	5 Day FCF	4 Day FCF
Regular Days Off	104.00	0.00	0.00
Holidays	0.00	0.00	0.00
Vacation Leave	17.00	17.00	17.00
Sick leave	12.00	12.00	12.00
Personal Leave	5.00	5.00	5.00
Training Days	5.00	5.00	5.00
Non-Compensatory Leave	0.00	0.00	0.00
Other leave *	1.00	1.00	1.00
Total Off-Duty Days	144.00	40.00	40.00

	1.65		1.18		0.94
221.00	365.00	221.00	260.00	221.00	208.00

Primary Supervision Staffing Analysis	Tour 8:00-4:00	Tour 4:00-12:00	Tour 12:00-8:00	Tour other	Total
Chief Administrative Officer				1.00	1.00
Assistant Chief Administrative Officer				1.00	1.00
Chief of Operations				1.00	1.00
Chief of Administration				1.00	1.00
Tour Supervisor	2.00	2.00	2.00		6.00
Unit Supervisor	6.13	4.95	3.30	2.00	16.38
Task Supervision	51.21	45.27	29.70	5.36	131.54
Full Time Equivalent Positions	59.34	52.22	35.00	11.36	157.92

*Other leave includes military, union,
& other misc. leave

A fundamental requirement in operating the jail is that it be staffed with a sufficient number of qualified employees to perform all duties and discharge all responsibilities. Jail salaries and fringe benefits should be comparable to those in other law enforcement and social service agencies in the community in order to attract and retain qualified employees.

TASK ANALYSIS

CHIEF OFFICER (Superintendent)

Rationale:

The Jail Division should be headed by a single administrative officer appointed by and responsible only to the sheriff. This individual should have full authority and responsibility for the management of personnel, inmates and programs of the facility. The chain of command should extend directly from the head of the department to the head of the facility. All facility employees should be responsible to this individual.

Justification:

One (1) Chief Officer has been allocated for this category. No coverage factor has been provided for this position. The Sheriff and/or the CAO have the ability to set the schedule of this position in order to ensure optimum facility coverage.

ASSISTANT CHIEF OFFICER (Warden)

Rationale:

The jail division is large enough to require additional administrative positions to directly assist the chief officer. The Ulster County Jail's Assistant Chief (Warden) has primary responsibility for overseeing and providing direction to the jail's management staff. Specific duties may include matters relating to annual reports, budget preparation, hiring, personnel performance, and staff assignments and scheduling. Additional responsibilities may further include supervisory oversight of the inmate grievance, classification, and disciplinary programs, good-time credits process, and any administrative assignment at the direction of the Sheriff, Undersheriff or Chief Officer.

Justification:

One (1) staff position has been allocated for this category. No coverage factor has been applied to this position. The Sheriff and/or the CAO have the ability to set the schedule of this position in order to ensure optimum facility coverage.

OPERATIONS CHIEF (Captain)

Rationale:

The Chief of Operations is primarily responsible for the daily management of all aspects of the facility's short and long-term security and safety concerns. Duties include security and equipment inspections, physical plant and perimeter integrity and the supervision of the emergency response team.

Justification:

One (1) staff position has been allocated for this category. No coverage factor has been applied to this position. This position is consistent with the rank of Captain. The Sheriff and/or the CAO have the ability to set the schedule of this position in order to ensure optimum facility coverage.

ADMINISTRATION CHIEF (Captain)

Rationale:

The Administrative Chief is primarily responsible for all day to day administrative duties. Such responsibilities may include immediate scheduling decisions, schedule planning and the oversight and integrity of operation's records and documents.

Justification:

One (1) staff position has been allocated for this category. No coverage factor has been applied to this position. This position is consistent with the rank of Captain. The Sheriff and/or the CAO have the ability to set the schedule of this position in order to ensure optimum facility coverage.

TOUR SUPERVISOR (Watch Commander)

Rationale:

Each tour of duty should be directly supervised by an individual of appropriate rank who has a working knowledge of proper correctional practices. The practice of operating a facility without a ranking officer in charge of each tour greatly decreases the amount of staff supervision and accountability.

Justification:

One (1) staff position has been allocated for the 7AM-3PM, 3PM-11PM and 11PM-7AM tours. This position is consistent with the rank of Lieutenant. A coverage factor of 2.00 has been applied to each position. Absent exigent circumstances, the Tour Supervisor position must be filled with a staff member the rank of lieutenant or above.

INTAKE SUPERVISOR

Rationale:

The Intake Supervisor is responsible for the oversight of the facility's admission and discharge operations. Supervisory oversight also extends to the jail's classification work and inmate property storage.

Justification:

One (1) staff position has been allocated for the 7AM-3PM, 3PM-11PM and 11PM-7AM tours. This position is consistent with the rank of Corporal or higher.

ZONE SUPERVISOR**Rationale:**

In some facilities it is appropriate to have unit supervisors responsible for particular functions. Depending upon the size of a particular facility, these functions may include the overall supervision of individual areas that require the coordinated efforts of several line staff. Such areas may include: supervision of housing units, supervision of control areas, new admissions to units, inmate discharges from units, program services; and supervision of other specific functions that require the coordinated efforts of several line staff.

Justification:

Staff allocations for this position are listed below. This position is consistent with that of the facility's rank of Corporal or higher.

POST LOCATION	7-3 TOUR	3-11 TOUR	11-7 TOUR
Zone 3	1	1	1*
Zone 4	1	1	
TOTALS	2	2	1

NOTE: THE ZONE 3 SUPERVISOR CAN ASSUME THE DUTIES OF ZONE 3 AND 4 ON THE 11PM-7AM TOUR.

TRANSPORT/CHARTS SUPERVISOR**Rationale:**

The Transport Supervisor oversees all duties relating to the activities of the facility's transport officers. This can include recordkeeping and scheduling. In addition, this person shall chart and track all inmate transports.

Justification:

One (1) staff position has been allocated for the 7AM-3PM tour. A five day coverage factor has been applied to this position. This position is consistent with the rank of Corporal or higher.

GREIVANCE SUPERVISOR

Rationale:

The Grievance Supervisor oversees all activities concerning the facility's inmate grievance program to ensure all Minimum Standard requirements (i.e., form issuance, response timeframes, etc.) are observed.

Justification:

One (1) staff position has been allocated for the 9AM-5PM tour. No coverage factor has been applied to this position. This position is consistent with the rank of Sergeant.

TRAINING SUPERVISOR

Rationale:

The Training Supervisor oversees all activities relating to the training of all jail personnel. This can include oversight of curriculum development, lesson plan delivery, personnel certification, etc.

Justification:

One (1) staff position has been allocated. No coverage factor has been applied to this position. This position is consistent with the rank of Corporal or higher.

CONTROL ROOM

Rationale:

Every facility requires a control room that is staffed on a twenty-four-hour basis and serves as the nerve center of the jail's custodial operations. Depending upon the particular facility, the control room officer performs the following functions: maintains telephone and/or intercom communications with all areas of the jail; serves as a repository for all keys in the jail security area; monitors and controls inmate, personnel and public movement within the facility; maintains a jail log book; maintains a roster of inmates and of the custodial force on duty; coordinates transportation for court appearances, hospital visits, etc.. The Ulster County Correctional Facility operates a main control room that controls various doors, gates, intercoms, and other functions throughout the facility. In addition the facility has a lobby control room that provides an effective, as well as efficient, manner if maintaining security and providing visitors entering the facility immediate assistance.

Justification:

Staffing allocations for this category are as follows:

POST LOCATION	8-4 TOUR	4-12 TOUR	12-8 TOUR
Main Control Room	2.00	2.00*	1.00
Lobby Control Room	1.00		
TOTALS	3.00	2.00	1.00

NOTE: THE SECOND CONTROL ROOM OFFICER ON THE 4PM-12AM TOUR CAN BE RE-ASSIGNED BY THE TOUR SUPERVISOR TO OTHER DUTIES WITHIN THE FACILITY DURING NON-PEAK ACTIVITY HOURS.

ADMISSION/DISCHARGE/CLASSIFICATION

Rationale:

The admission and discharge process is a necessary function of all correctional facilities. Depending on the size and physical structure of a given facility, provisions must be made to for duties including, but not limited to the following: searching, fingerprinting, photography, personal hygiene and clothing issue, personal property, medical screening, and admissions phone calls. Also, coordinating inmate transportation in and out of the facility (e.g., court appearance, medical visit) originates at the intake/discharge area. All movement in and out of the jail is done through the admissions area. Staff will also be responsible for supervising inmates housed in the admissions area holding cells. The facility must assign staff to oversee the inmate classification system. Functions performed in this area include, but are not limited to the following: initial classification assessment, inmate housing assignments, performing re-classification duties, monitoring inmate movement to housing units, and providing input to the facility administration prior to the relocation of inmates to other housing units.

Justification:

Staff allocations for this position are as follows:

POST LOCATION	8-4 TOUR	4-12 TOUR	12-8 TOUR
Reception/Intake/Supervision	2*	2*	1
Classification	1	1	0
TOTALS	3	3	1

NOTE: ON THE 8-4 AND 4-12 TOURS, ONE POST IS CONSIDERED A FIVE-DAY POST. THE CLASSIFICATION POST IS CONSIDERED A FIVE-DAY POST.

GENERAL HOUSING

Rationale:

Active supervision must be maintained when prisoners are confined in facility areas but not secured in their individual housing units. The term "Active Supervision", is defined as the immediate availability of inmates to facility staff members responsible for the care and custody of such inmates, including the uninterrupted ability of staff members to communicate orally with and respond to each inmate unaided by any electronic or other artificial amplifying device. Active supervision is required whenever inmates are allowed to commingle for the purpose of prevention of incidents which commonly occur in local correctional facilities resulting from situations whereby the stronger inmates are able to exert control over the rest of the inmate population. General supervision visits are to be conducted at intervals not to exceed one-half hour when inmates are secured in their individual housing units. The task analysis provides for active supervision in each housing section during the hours that inmates should be allowed out of their individual cells and provides sufficient staff to ensure half-hour visits during the hours when they are locked in their individual cells (General Supervision).

Justification:

Staffing allocations for housing posts are allocated as follows:

POST LOCATION	7AM-3PM	3PM-11AM	11PM-7PM
A POD	1	1	1
B POD	1	1	1
C POD	1	1	1
D POD	1	1	1
F POD	1	1	1
G POD	1	1	1
I POD	1	1	1
K POD	1	1	1
DORMITORY #1	1	1	1
DORMITORY #2	1	1	1
TOTALS	10	10	10

SPECIAL HOUSING

Rationale:

The chief administrative officer or the facility physician may determine that additional supervision is required for inmates whose condition, illness or injury requires such supervision. Such additional supervision may include: constant supervision, or more frequent supervisory visits than would normally be required.

In larger facilities where there are usually a considerable number of inmates requiring this type of supervision in a special housing unit, provisions are made in the task analysis for coverage of

this unit. In the smaller facilities where this type of supervision is only required on a periodic basis, it may be necessary to call in off-duty personnel on an emergency overtime basis.

Justification:

Staff allocations for these posts are as follows:

POST LOCATION	7-3 TOUR	3-11 TOUR	11-7 TOUR
H Pod	1	1	1
Infirmary	1	1	1
Constant Supervision	1	1	1
TOTALS	3	3	3

MEDICAL SERVICES

Rationale:

Supervision of medical services is required in every correctional facility. The amount of time allotted is naturally determined by the size of the facility. Time is allotted for supervision of sick call, medical holding or housing areas, distribution of medications, escorting of medical staff and other miscellaneous medical functions and tasks. In some facilities, this time is usually consolidated under the miscellaneous category.

Justification:

Functions performed under this category can be accomplished by staff allocated under the *Special Housing* (Infirmary) and *Miscellaneous* categories.

VISITATION PROGRAM

Rationale:

The visitation program functions generally include the screening, processing of visitors. The program involves the notification, searching, and supervision of inmates. Additional duties may include the acceptance of packages and money, scheduling of visitation periods and searches of the visitation room. The time allotted for visitation is based upon the requirement that each inmate receive a minimum of two one-hour visits per week. The extremely high turnover of inmates in local correctional facilities is taken into account in determining the total number of staff required.

Justification:

In consideration of the duties as outlined above, three (3) positions have been allocated on the 9am-5pm tour. This has been designated as a four-day post.

ESCORT/ROVER/MISCELLANEOUS**Rationale:**

Every facility has a number of duties, responsibilities, and functions that cannot be specifically provided for or categorized. Therefore, provisions are made under the miscellaneous category in order to assure sufficient flexibility to provide for all staff relief, special assignments, and assistance in other areas during peak activities, emergencies, and other unpredictable chores. This category also includes religious services, occasional inmate transports, and the supervision of education and counseling programs.

Justification:

Staff allocations for this post are as follows:

POST LOCATION	7AM-3PM	3PM-11AM	11AM-7PM
Escort I	1	1	1
Escort II	1	1	1
Escort III	1	1	
Escort IV	1	1	
Escort V	1		
Total	5	4	2

LEGAL SERVICES**Rationale:**

The constitutional right of access to the courts requires access to legal counsel, legal reference materials, and a notary public. Legal reference materials must be provided within a reasonable time after request. The services of a notary public must be made available by the facility within one business day after request. Most facilities operate law libraries where reference material is maintained. Access to legal counsel requires special phone calls to engage counsel, visits between inmates and their legal counsel telephone calls and correspondence with counsel. In the smaller facilities, this time is usually consolidated under the miscellaneous category.

Justification:

Functions performed under this category can be accomplished by staff allocated under the education/programs/mail category

RELIGIOUS SERVICES

Rationale:

The constitutional right to exercise one's religious beliefs requires the opportunity to congregate for the purpose of religious worship or other religious activity, and confidential consultation with representatives of recognized religious groups or organizations. Some large facilities may require staff allocation for this category, however, this time is usually consolidated under the miscellaneous category.

Justification:

Functions performed under this category can be accomplished by staff allocated under the *Miscellaneous* category.

FOOD SERVICES

Rationale:

The food services operation differs drastically from each facility. Food preparation is usually accomplished by civilian personnel who are not included in a primary supervision staffing analysis. However, given the large physical plant size of the **Ulster County Correctional Facility** kitchen and need for significant inmate movement to and from the area, a security staff allocation is required.

Justification:

Staff allocations for this position are as follows:

POST LOCATION	7-3 TOUR	3-11 TOUR	11-7 TOUR
Food Service	1	1	0
TOTALS	1	1	0

COMMISSARY PROGRAM

Rationale:

Commissary is another function which differs greatly between facilities. Staff may be responsible for processing inmate commissary orders, delivering commissary items to inmates and maintaining bank accounts for the program. Some jurisdictions contract with vendors to operate the commissary program. In such instances, staff allocations, if any, would be minimal. At the time this staffing analysis was prepared, the **Ulster County Jail** was planning to continue to have its commissary program operated by a private vendor.

Justification:

Staff allocated under the *Miscellaneous* category will perform duties related to the commissary program.

DISCIPLINE PROGRAM

Rationale:

A disciplinary program is essential for the regulation of everyday life in a correctional facility. A designated supervisory staff person should coordinate disciplinary hearings and appeals process. In the larger facilities, a ranking staff person should be designated to investigate major violations facilities rules and inmate conduct.

Justification:

One (1) staff position has been allocated for the 9am - 5pm tour. This has been designated as a five-day post.

PHYSICAL EXERCISE

Rationale:

Each inmate confined in a local correctional facility is entitled to a physical exercise period of at least one hour each day or one and one-half hours five days per week. Staff is responsible for searching exercise areas prior and subsequent to each exercise period. They are also responsible for searching inmates and escorting inmates to the areas, and supervising them during the periods. To maintain proper order and security, the facility conducts separate exercise periods for disciplinary, female, and general population inmates. At the **Ulster County Correctional Facility**, each housing area (pod) has its own exercise yard and is supervised by the housing area officer.

Justification:

Not Applicable

EDUCATION/ PROGRAMS/MAIL

Rationale:

Every correctional facility should have as major objective constructive programs to assist inmates with family and personal problems through supportive guidance and professional assistance. The scope of such programs are dependent upon such factors as community involvement, availability of volunteers, arrangements with other public and private community agencies, etc. In terms of primary supervision, it may not be necessary to allocate time to these programs if the service providers are properly trained in security/supervision policies and procedures. In the larger facilities with extensive programs, it will be necessary to allocate time

for supervision of inmate participating in these programs. In Addition, the pick-up and delivery, inspection of mail and packages, and the recording of pieces of correspondence are necessary function at all correctional facilities which require a certain amount of time. In the larger facilities, a reasonable amount of time is allotted for this purpose. In the smaller facilities, it may be included under the duties of the control room officer or may be computed together with other items under miscellaneous.

Justification:

Staff allocated under the *Miscellaneous* category will perform duties related to program supervision. One Position has been allocated on the 9AM-5PM tour to facilitate the mail, assist in funeral/deathbed visit requests and any other inmate service requests. This has been designated as a five-day post.

INSIDE WORK PROGRAM

Rationale:

Work details are a natural and necessary part of any correctional facility. They may include supervising work in the facility laundry and mess hall, as well as custodial work. The number of hours allotted for these purposes are determined by the actual details that are performed in any given facility.

Justification:

One (1) position has been allocated on the 12am - 8am tour. This has been designated as a seven-day post.

OUTSIDE WORK PROGRAM

Rationale:

Correctional facilities often operate an outside work program in which work such as lawn mowing, raking, and snow removal is completed. Supervision of inmates participating in this program must be provided by security staff. The Ulster County Correctional Facility operates an outside work program.

Justification:

One (1) position has been allocated on the 7am - 3pm tour. There is no coverage factor applied to this post.

LAUNDRY SERVICES

Rationale:

The facility is required by Minimum Standards to provide laundry services to the inmate population. The Ulster County Jail will assign inmate workers to operate its main laundry program, with supervision provided by security staff.

Justification:

One (1) position has been allocated on the 4pm-12am tour. This position is designated as a five-day post.

TRANSPORTATION

Rationale:

Transportation requirements vary drastically between facilities. In facilities where inmate transportation is a regular part of facility operations, it is usually included in the staffing analysis. Transport duties may frequently require staff resources and can often be difficult to predict in terms of time of day, frequency, duration, and destination. Ulster County Correctional Facility security staff is responsible for escorting inmates to and from the county court house and are responsible for performing inmate transports to medical and other appointments.

Justification:

Staff allocations for this position are as follows:

POSITION	7am-3pm	1pm-9pm
Transportation	6.0	6.0
TOTALS	6.0	6.0

NOTE: THE TRANSPORTATION POSTS ARE CONSIDERED FIVE-DAY POSTS AND THE WORK SCHEDULES OF ALL TRANSPORTATION POSTS ARE ABLE TO BE ADJUSTED PER FACILITY NEED.

IT RECORDS

Rationale:

The facility must assign staff to oversee all inmate record files. Such responsibilities include, but are not limited to: establishment of new files upon admission, inclusion of new information, photocopying relevant files for inmate transports to court, medical visits, and transfer to other

county correctional facilities and state facilities. Given the sensitive nature of such records, a staff allocation is required.

Justification:

One (1) position has been allocated for 9AM-5PM tour. There is no coverage factor applied to this post.

SAFETY/COMPLIANCE/INTELLIGENCE

Rationale:

Given the size of the Ulster County Correctional Facility, sufficient staff resources are needed to perform required security and fire safety inspections. Other functions of this post include perimeter searches, security threat group monitoring and tracking problem areas.

Justification:

One staff position has been allocated for the 9am-5pm tour to perform duties related to the facility's safety and compliance operations. There is no coverage factor applied to this post.

DATA MANAGEMENT

Rationale:

The Ulster County Jail is large enough to justify a position to oversee all data and technology activities. Overall this position shall ensure the integrity of the facility's computer operations remain sound. Responsibilities include overseeing all in-house and vehicle electronic communications, supervising the jail's inmate data management system and the releasing of all special requests and projects concerning information systems.

Justification:

One staff position has been allocated for the 9am-5pm tour to perform duties related to the facility's safety and compliance operations. There is no coverage factor applied to this post.

HEALTH SERVICES

Health care administration in correctional facilities is the responsibility of registered professional nurses. The registered nurse implements a managed care system in the jail and monitors chronically ill inmates (diabetes, hypertension, seizure disorders, HIV). The registered nurse also can perform the required admission health assessment so as inmates who need medical care can be triaged and referred to the physician in a timely manner, allowing for appropriate intervention for complex medical and mental health diagnoses currently being admitted to local facilities. The registered nurse supervises the facility's pharmaceuticals and medication delivery. Other functions of the registered nurses would include monitoring of

mental illness and medication with appropriate referral, medical referrals and follow-ups, and managing the jail's TB program. The Ulster County Correctional Facility operates a 24-hour infirmary.

Justification:

Task Analysis	8am-4pm	8am-8pm	4pm-12am	8pm-8am	12am-8am	Total
Charge Nurse	1.00					1.00
Registered Nurse		1.00		1.00	1.00	3.00
Licensed Practical Nurse	1.00		2.00			3.00
TOTAL	2.00	1.00	2.00	1.00	1.00	7.00

FULL COVERAGE FACTOR

Planning Base: Pursuant to 9 NYCRR, Section 7041.3, the State Commission of Correction shall determine the full coverage factor designed to ensure that a sufficient number of persons are employed to perform facility functions 365 days per year. On page 2 of this analysis the full coverage factor has been formulated. The planning base used for this determination includes the following estimated off-duty days; regular days off; holidays; personal leave; vacation leave; generally accepted sick leave days; and other short term leave. Other short term leave ("other leave") includes five training days, military leave; bereavement leave, and any other short term leave. Leave under General Municipal Law, Section 207-c, is not calculated in the staffing analysis.

EXHIBIT D



STATE OF NEW YORK • EXECUTIVE DEPARTMENT
STATE COMMISSION OF CORRECTION
Alfred E. Smith State Office Building
80 S. Swan Street, 12th Floor
Albany, New York 12210-8001
(518) 485-2346
FAX (518) 485-2467

CHAIRMAN
Thomas A. Beilein

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

August 28, 2013

Sheriff Paul VanBlarcum
Ulster County Sheriff's Office
380 Boulevard
Kingston, New York 12401

Dear Sheriff VanBlarcum:

This is in response to your recent request to reclassify various staffing positions at the Ulster County Jail.

Specifically, you propose the following:

1. Eliminate the two *Unit Chief* positions (facility title of *Assistant Wardens*) and transfer the duties to the position of *Assistant Chief Officer* (facility title of *Warden*). This would result in two *Assistant Chief Officer* positions (Operations and Fiscal Management).
2. Downgrade one of the *Unit Chief* positions and create a Correction Officer position.
3. Eliminate the remaining *Unit Chief* position.

After careful consideration, the Commission hereby approves your proposal to eliminate the two *Unit Chief* (facility title of *Assistant Wardens*) positions and transfer the duties to the position of *Assistant Chief Officer* (facility title of *Warden-Operations* and *Warden-Fiscal Management*).

Since the current Position and Staffing Analysis for the Ulster County Jail does not include the additional Correction Officer position you propose to create, please submit to the Commission justification for the position by **September 20, 2013**.

Should you have any questions concerning this matter, please do not hesitate to contact me.

Sincerely,

Thomas A. Beilein
Chairman



Paul J. VanBlarcum
Sheriff

OFFICE OF THE
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ULSTER COUNTY

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Frank P. Falcato Jr.
Undersheriff

Michael O. Freer
Captain / Criminal Division

James R. Hanstein
Superintendent / Corrections Division

Area Code 845

Administration	340-3802
Criminal Division	338-3640
Corrections Division	340-3644
Civil Division	340-3643
Pistol Permits	340-3639
Crime Tips Hotline	340-3599
Fax (Administration)	331-2810
Fax (Criminal Division)	340-3718
Fax (Corrections/Records)	340-3468
Fax (Corrections/Booking)	340-3436
Fax (Civil Division)	334-8125
Fax (Detectives)	340-3588

September 17, 2013

Chairman Thomas A. Beilein
New York State commission of Corrections
Alfred E. Smith State Office Building
80 S. Swan Street 12th Floor
Albany, New York 12210-8001

Ref: Staffing Reclassification/Justification

Dear Chairman Beilein:

First and foremost I would like to take this opportunity to thank the Commission for the approval to reclassify our two Unit Chiefs (Facility Titles: Assistant Wardens) and transfer all their duties to the two positions of Assistant Chief Officer (Facility titles: Warden of Operations and Fiscal Management). This reclassification will also produce a cost savings to the taxpayers of Ulster County without sacrificing oversight concerning jail operations and responsible fiscal management.

Funding from the proposed downgrade of one of the Unit Chief and the elimination of the other, my management team has suggested using the additional savings to create an additional correction officer position to assist with inmate medical and mental health services.

A facility of our size and population has experienced an increased demand for sick call and mental health services, which are spatially separated within the unit. The two noted services are regularly being handled concurrently, which has created a personnel need beyond what was originally anticipated. As such, we are regularly in need of additional security in the medical Unit. I would request this new correction officer position be allocated for the 9am-5pm tour and receive a designation as a five day post.

Any additional assistance the Commission can offer is always appreciated. Thank you again for your attention to this matter.

Sincerely,

Paul J. VanBlarcum
Sheriff of Ulster County





Juan Figueroa
Sheriff

Eric V. Benjamin
Undersheriff

OFFICE OF THE **SHERIFF** **ULSTER COUNTY**



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380 Boulevard, Kingston, NY 12401
www.co.ulster.ny.us/sheriff



Vincent V. Altieri
Captain / Criminal Division

Jerome M. John
Superintendent / Corrections Division

Jarrod E. Blades
Chief Civil Administrator

Area Code 845

Administration	340-3590
Criminal Division	338-3640
Corrections Division	340-3644
Civil Division	340-3643
Pistol Permits	340-3639
Crime Tips Hotline	340-3599

August 7, 2020

Ulster County Comptroller's Office
244 Fair Street
Kingston, NY 12401

Attn: March Gallagher, Comptroller Ulster County

I respectfully submit the following response to the County Comptroller's audit of the Sheriff's Office:

The Ulster County Comptroller conducted an unsolicited audit of the Ulster County Jail. Although this is in the purview of the Office of the Comptroller, due to current events: bail reform, a historic pandemic, loss of tax revenue to the County, and anti-law enforcement sentiment, the timing is not conducive to the expectations of the audit. This audit uses the jail averages of 2019 and 2020. The population averages for these years should not have been used, due to the following mitigating circumstances:

See Note 1

Bail Reform was passed in April in 2019, and although the law was not officially in place until January 2020, courts began implementing it shortly after it was signed into law. The jail population at the time was 240 and after the bill was signed the averages fell to around 190. The purpose of bail is to insure those that had court proceedings would attend court. If an individual commits a crime and is found guilty, that individual will be sentenced by the court to do time. No bail in non-qualifying offenses does not necessarily mean no jail time upon conviction of a crime. Time served is no longer used in most instances and the court may sentence jail time for frequent offenders. By the end of 2019 the population average continued to fall to around 140.

In January of 2020, this Office, the District Attorney's Office and the courts reviewed the list of those individuals that were affected by bail reform and they were ordered released by the courts. In late February of this year (2020), the nation was hit with an unprecedented pandemic that endangered the well-being of residents of Ulster County. Once again, this Office, the District attorney's Office, Public Defender's Office and the courts collaborated to release individuals at the county jail who had underlying medical conditions. Visitations and programs were cancelled at the jail, strict protocols were put





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in place to protect the population and the staff. To date the jail has zero confirmed Covid-19 cases.

All the courts were closed and eventually virtual court was established at the UCLEC for all local law enforcement agencies. The corrections division is a 24/7 secured location and manned the virtual courts. The court proceedings were limited to arraignments, county court hearings, parole hearings and probation hearings. The courts have not been in session and have not sentenced any individuals. The courts also did not remand individuals with underlying medical conditions.

Bail Reform II was passed in April 2020 by the state and became law in July 2020. The law added additional qualifying offenses and criteria to cover the unintended consequences of the initial law.

The new bail reform laws, the pandemic and the courts being closed are a major impact factor for the average population of this facility. This Office is responsible to the taxpayer, the well-being and safety of the population, the corrections division staff and their families. The liability exposure to the county and the taxpayer must be notably important. Public safety is a top priority of this Office. This is 10% of the overall County budget and it is a 24/7 operation. The population averages will be reviewed upon the end of the pandemic and the full vetted results of the bail reform laws. This process will take 12-18 months.

Upon taking office in 2019, this administration had conducted an independent outside audit in April of 2019 (Bonadio Group Audit attachment #1), a Civil office accreditation review (2019 NYSSA Civil Office review attachment #2), an Ulster County Jail accreditation report (attachment #3), and minimum standard review (attachment #4). A maximum facility capacity report was completed in 2017 (attachment #5)

The Ulster County jail is mandated by the state and is under the supervision of the NY State Commission of Corrections. The NYSCOC is responsible for establishing a Maximum Facility Capacity. The MFC is dependent on the number of housing units and beds. There are 12 housing units and 458 beds. The minimum staffing levels are also determined by the NYSCOC, based on the number of operable housing units. The Ulster county jail has been operating under 10% of the required minimum staffing levels for several years. Due to bail reform and the pandemic (3) housing units have been closed.





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Sheriff

Eric V. Benjamin
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(See: 2017 Maximum Capacity Report.)

The minimum staffing level for the Ulster County jail is 158. The total on hand is 132 which is a 16 % reduction of the required minimum staffing requirement.

Part 704.1 of the NY Minimum standards and regulations for management of County Jails states the following:

Policy;

- (a) Each local correctional facility shall employ that number of persons necessary to provide care, custody and control for all prisoners and to perform all other necessary facility functions. In no case shall the number of such persons be less than the minimum facility staffing requirement as determined by the State Commission of Correction in accordance with the provisions of the Part.

Audit Review:

On page 3 you referred to NYCRR 4041.2(b) there are 3 sections ((a), (b), and (c)) in this part relating to staffing. The first section states the following:

- (a) The SCOC shall, in determining the minimum facility staffing requirement for each local correctional facility, ascertain the functions to be performed by facility staff including, but not limited to:
 - (1) General facility administration and management;
 - (2) Control room operation;
 - (3) General housing area supervision;
 - (4) Special housing area supervision;
 - (5) Medical services;
 - (6) Visitation;
 - (7) Correspondence;
 - (8) Exercise;
 - (9) Facility maintenance;
 - (10) Library ;
 - (11) Commissary;
 - (12) Religious services;
 - (13) Prisoner transportation;





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(14) Any other facility program or service.

In regard to the Corrections division there are many responsibilities as it is a 24/7 operation with multiple responsibilities. These men and woman, unlike most jobs, have to work mandatory overtime when another shift calls in sick, and in these positions, do not have the luxury of working from home during storms or pandemics.

In conclusion, I will petition the NYS Commission of Corrections only after the following:

- (1) The end of the Pandemic
- (2) The courts are fully operational
- (3) The population average remains the same 12-18 months
- (4) Full implementation of bail reform laws

As the elected Sheriff, I will make that determination if it is required.
A true average population count must be established.

The Comptroller referenced NYSCOC will not make staffing reductions until more time has elapsed. Their reasons are based upon the lack of average numbers and the actual effects on the population on a new law (bail reform) and the amended bail reform law.

The Comptroller also referred in page 6 to Wayne County requesting a reduction in staffing. An older part of their jail was not being utilized for several years and the Sheriff requested to reduce the capacity from 190 to 109, the commission agreed and reduced the staffing by four positions. The Ulster County jail has zero COVID-19 cases, in the fall if the virus makes a second wave there would be a need for more separation of inmates. State-ready inmates must be separated and isolated from county inmates. DOCCS will not accept inmates that have not been isolated to insure they do not carry the virus.

This Office submitted its annual report prior to the 2019 close out by the finance department and advised the Comptroller. It is noted that the annual report will not be submitted in the future without close out figures. The Ulster County Sheriff's Office is 10% of the overall County Budget. This office also produces approximately 1.9 million in revenue annually that goes to the county general fund. (Division #'s 3110, 3150 and 3989).

Audit page 4:





Juan Figueroa
Sheriff

Eric V. Benjamin
Undersheriff

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The figures included 1855 and 1856, this is the telephone commission account and it is utilized to offset the costs of some of the account descriptions. This is technically not taxpayer funds (property/sales tax). The body scanner was purchased with these funds.

See Note 2

The figures on page 4 do not include the following:

- (1) \$487,000 budget give back (pandemic)
- (2) \$1.2 million in personnel salary (17 retirements /resignations)
- (3) Estimated 65k in fuel savings
- (4) \$20,150 seized unclaimed assets – general fund (additional 50k anticipated assets)
- (5) NYS grant 50K grant for the jail MAT program - medical assisted treatment (UC Dept. Mental Health/Prime Care.) (See attachment #6 excel spreadsheet.)

This office has been working with the County finance department in reductions due to revenue loss /pandemic.

The 3% personnel increase should note that this is due to a labor settled contract between the County and CSEA. This collective bargaining agreement was completed in 2019. The Buildings and Grounds facility expense and debt service are not part of the Sheriff's Office budget. This belongs to the Buildings and Grounds budget. The cost analysis of contracts and personnel are noted in its budget, this office does not pay its invoices, does not pay its employees and has no say in its contracts. This is a separate department under the county.

The food and medical contracts were reviewed by a board consisting of Corrections, Department of Health, purchasing, and fiscal. Generally speaking, the lowest bidder gets the contract. The Trinity (food) contract was a decrease from the previous vendor by \$165,791. This contract is in place until 12/30/2021. The Medical contract with Prime Care runs 05/01/19 -04/30/2022 - a county board consisting of different departments reviewed and selected this vendor. The health and safety of the population is mandatory and prevents lawsuits that could cost taxpayers thousands of dollars. These contracts were completed using the inmate averages at the time. The Bail Reform laws were not topics and no one knew humanity would be facing a pandemic and the courts would be closed. Lawsuits cost more than predictions.

See Note 3





Juan Figueroa
Sheriff

Eric V. Benjamin
Undersheriff

OFFICE OF THE
SHERIFF
ULSTER COUNTY



Ulster County Law Enforcement Center
380 Boulevard, Kingston, NY 12401
www.co.ulster.ny.us/sheriff



Vincent V. Alfieri
Captain /Criminal Division

Jerome M. John
Superintendent / Corrections Division

Jarrod E. Blades
Chief Civil Administrator

Area Code 845

Administration	340-3590
Criminal Division	338-3640
Corrections Division	340-3644
Civil Division	340-3643
Pistol Permits	340-3639
Crime Tips Hotline	340-3599

Audit page 6:

Cost per inmate:

The actuals used on page 4 of the audit should not be used to calculate cost of operation of the jail in its totality. The New York State Department of Corrections and Community Supervision form is completed every year and submitted to the NYSCOC. There are several discrepancies noted (see the attached excel spreadsheet for divisions 1855, 1856).

This office as well as several other offices and departments within county government are not responsible for the budget of buildings and grounds - a separate department with a separate budget. The fact is that there could be one female inmate in the female pod (which can house 48 inmates) and that post has to be manned. (Whether it is 1 female or 48). The cost per inmate per day is estimated at \$262.72. (Refer to enclosure #7 Cost of Jail report). UCLEC is also occupied by the UC District attorney's Office, Emergency management, Emergency Operations Center, HIDTA, and Buildings and Grounds. Also Stop DWI and County Safety were recently tenants.

Audit page 7:

NYSCOC states that counties are responsible for their own inmates. Regionalizing county jails may appear to be a good idea but in reality more issues and costs will arise. The transportation of inmates to hospitals and outside local jurisdictions has the potential of liability, medical costs and accidents. The hardships of county taxpayers that have to travel farther to visit loved ones. Once again the under-privileged in our community will suffer the most.

The Comptroller mentioned the Albany County Sheriff for the creative plan of housing homeless persons that have addictions, mental health issues and are unemployed. The Albany County jail is a retrofitted linear jail located at the Albany county airport. The Ulster county Jail is a direct supervision facility located in a residential neighborhood.





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This office must be mindful of the safety of its taxpaying neighbors.
The use of a jail for homeless persons who need assistance from social services is demeaning, and inhumane.

Housing board ins:

The UCJ was contacted by the U.S. Marshal's Office regarding boarding convicted federal inmates. The Bureau of prisons would not accept inmates due to COVID-19. The inmates must be isolated for 14 days before acceptance into Federal Prison. The Ulster County Jail has no confirmed COVID-19 cases, which was a prerequisite to accepting Federal inmates. Presently there are 29 Marshal's prisoners. Those charges include sex offenders, drug charges, human trafficking, assault and fraud. The per day expense is \$102.00 per inmate, \$33 dollars an hour per transport officer to Stewart airport where the inmates are flown to Federal Prison. UCJ also has (1) DCJ board in @ \$90 per day and (1) Green County Jail Board in, and has agreed to in future sending inmates to the Ulster County Jail.

Audit page 8:

Correction Officer Meals:

This is standard practice in a secured correctional facility which employs workers who are not allowed to leave and enter at will. The Ulster County jail is a secured facility and allowing members in and out for meals is a security issue. In particular during the pandemic, the jail is considered a sterile environment, with temperature checks, hand washing and face masks requirements upon entering. Incorporating costs on meals to corrections officers would open that door of outside meals. This will cause productivity issues, security issues, additional paid time for meals and the potential of illegal contraband entering the facility. This will ultimately cost taxpayers more in salaries.





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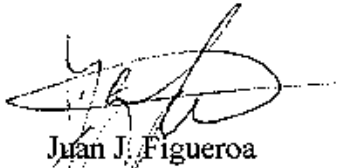
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Audit page 9:

The Comptroller refers to crime rates per 100k for the years 2003-2018, although the source of these stats is unclear. I prefer to review the local stats from the recent years in 2019 -2020. (See Crime stats report attachment #8). Crime is not predictable which makes budgeting for public safety difficult.

See Note 4

Finally, I look forward in working with the Comptroller on making sensible savings for our taxpayers and not reducing the public safety services.


Juan J. Figueroa
Sheriff
Ulster County, NY

