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May 13, 2019

Dear County Executive Garner and SCOC Commissioner Riley,

We write to report that an examination of the county records regarding jail commissary and related accounts suggest significant irregularities. We accordingly request that you conduct a thorough examination and audit of the accounts for at least the last three years.

We are particularly concerned with items that appear to directly contravene state regulations as noted below, and have serious, negative impacts on prisoners and their families, including:

- Profits on commissary sales are extremely excessive, contrary to state regulation [9 CRR-NY 7016.1](#) that requires only “modest profits.” Prices for individual items are estimated to be 200-600 % higher than local retail outlets (see attached examples), while overall sales seem to generate a profit of 30%, versus the standard retail outlet profit of 2-3% of sales. Income from contract commissions (e.g. with GTL, Trinity, and Swanson Services) is unknown.
- Profits from commissary sales are by the same regulation to be “utilized only for purposes of prisoner welfare and rehabilitation” (emphasis added). Yet an examination of commissary disbursements shows major expenditures on lawn care, garden supplies, tractors, tires, flares, haircuts, hygiene items, copier leases, etc. (see attached examples). The expenditures on food, hygiene and haircuts, coming from the profits on prisoners’ commissary purchases, is especially disturbing given state regulations ([9 CRR-NY 7005.6NY-CRR](#) and [9 CRR-NY 7005.4](#)) that require indigent haircuts, food, and basic hygiene products to be supplied “at facility expense.”
- The facility’s refusal to permit women to receive bras from approved outside vendors, again in contravention of state regulations ([9 CRR-NY 7005.7](#)). Bras shipped from Amazon are simply refused. The recent removal of women’s and men’s underwear from the commissary also needs justification; by contrast these basic items are available in surrounding county jail.

Finally, we would request that an audit of inmate accounts and related food and telephone contracts be taken, especially for excessive and hidden fees.

We attach the latest commissary price list, sales, and disbursement reports. You might review as well audits in the years when the jail administration was found *not* to be following normal county contract and reporting regulations (e.g. 2006, 2007....). Thank you for your attention to this matter.

Sincerely,

William Martin

for Justice and Unity for the Southern Tier

Andrew Pragacz

Susan Ruff

cc: Letitia James, New York State Attorney General, Thomas P. DiNapoli, New York State Comptroller