



THE CITY OF NEW YORK
DEPARTMENT OF CORRECTION



DIRECTIVE

<input type="checkbox"/> NEW <input type="checkbox"/> INTERIM <input checked="" type="checkbox"/> REVISED			SUBJECT		
EFFECTIVE DATE 03/29/07			*TERMINATION DATE / /		
CLASSIFICATION # 6006R-C			SUPERSEDES 6006R-B		DATED 01/19/07
APPROVED FOR WEB POSTING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO			DISTRIBUTION A		PAGE 1 OF 23 PAGES
RECOMMENDED FOR APPROVAL BY REVIEW BOARD MEMBER <i>Carolyn Thomas</i> CAROLYN THOMAS, CHIEF OF DEPARTMENT SIGNATURE			AUTHORIZED BY THE COMMISSIONER <i>Martin F. Horn</i> MARTIN F. HORN SIGNATURE		

I. PURPOSE

To establish procedures for the placement of inmates into Close Custody and the operation of Close Custody Housing Units.

II. POLICY

- A. Close Custody, along with Punitive Segregation and Pre-Hearing Detention, shall be considered the most restrictive security status assigned to an inmate. The Department shall maintain Close Custody Housing (CCH) Units to house inmates for their own protection, or for the safety and security of other inmates and/or staff. A Protective Custody area shall be designated for those inmates who are being placed into Close Custody solely for their own protection, when no other less restrictive housing would be adequate to provide for their safety. All other inmates shall be assigned to Close Custody Housing areas not designated for Protective Custody.
- B. Inmates who are involuntarily assigned to Close Custody Housing shall be provided with due process, which shall include:
1. A notice of the reason for the assignment; and
 2. A hearing at which the inmate may contest the assignment.

III. PROCEDURES

A. PLACEMENT CRITERIA

1. An inmate may be placed in Close Custody for his or her own protection or for the safety and security of other inmates or staff. Factors that should be considered in making a determination that Close Custody is warranted, include, but are not limited to, the following:

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- a. Specificity of the information received;
- b. Credibility of the source of information;
- c. The immediacy of the perceived threat;
- d. The inmate's past and present institutional history including unusual incidents, Security Risk Group (SRG) affiliations, and any documentary information available to the facility, e.g., infractions, injury reports, use of force reports, etc.;
- e. Intelligence Unit information*;
- f. Notoriety of the crime, the criminal, or the victim;
- g. The nature of the inmate's crime, e.g., sex crimes, especially those involving children;
- h. The inmate's vulnerability; and
- i. The inmate's mental health.

* **SPECIAL NOTE:** It is mandatory that the Operations Security Intelligence Unit (OSIU) consult with facility commanders to ascertain whether additional information is available that would be useful in determining whether Close Custody Housing is necessary, and to determine which type of housing (i.e., Protective Custody or other) would be most appropriate for housing a particular inmate.

2. Notwithstanding the foregoing, less restrictive methods such as issuance of a separation order or transfer to another facility shall be used whenever appropriate instead of placing an inmate into Close Custody Housing.
3. If an inmate's Securing Order contains a notation that an inmate is to be placed in Protective Custody, the endorsement shall be treated as a recommendation and not a court order. If the Department determines that the inmate should be in Close Custody and the inmate does not wish to be placed in such status, the inmate shall then be processed pursuant to Section III.E.
4. The aforementioned Securing Order notations by the court are to be distinguished from "Lock-Down Orders." "Lock-Down Orders" are separate orders issued by the Court. These orders must be complied with unless such compliance interferes with the operation of the facility, in which case the Legal Division will communicate with the Court as to any objections. Pending an amendment to the order, the Department must comply with the order. Any change to these orders must come from the Court. Inmates housed pursuant to Lock-Down Orders are not entitled to due process hearings with regard to their housing.

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B. MENTAL HEALTH REVIEW

1. Prior to placing an inmate into Close Custody Housing, the Tour Commander at the facility in which the inmate is housed shall ensure that a 'QINQ' Inmate Information System (IIS) inquiry is made to ascertain whether the inmate is known to Mental Health and is documented in Section C of the Close Custody Housing Form by General Office staff (see Form #6006AR, "Close Custody Housing Form.") The indicator is an "M" which is located at the end of the inmate's book & case number. If the inmate does not have an "M" indicator at the time of processing, then a Mental Health evaluation is not required, unless the inmate has been in DOC custody for less than five (5) days.
2. If the inmate has an "M" indicator or has been in DOC custody for less than five (5) days, Mental Health shall be notified immediately and an evaluation of the inmate requested. The results of the evaluation will be noted in Section D of the Close Custody Housing Form by Mental Health staff. With limited exceptions the mental health review will be performed by Mental Health staff in the sending facility.
3. Pending the results of a Mental Health examination, the subject inmate shall remain isolated from all other inmates.
4. The following procedures shall be adhered to in the event that Mental Health staff is not on duty in the facility at the time clearance by Mental Health is required.
 - a. ALL FACILITIES EXCEPT NIC AND VCBC
 - i. The inmate shall be isolated from other inmates by being secured in holding pen in the facility Intake area pending the arrival of Mental Health.
 - ii. Unless Mental Health has previously indicated that the inmate is in need of constant supervision, the Intake supervisor shall ensure that the inmate is monitored by staff at intervals no greater than fifteen (15) minutes and the observations are noted in the Intake Logbook.
 - iii. The clearance request must be promptly presented to Mental Health staff upon their arrival at the facility.

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b. NIC

- i. Pending the arrival of Mental Health, the inmate shall be housed in the Isolation Unit of the 2C Tier in lieu of being secured in an Intake holding pen. Officers assigned to the 2C Tier must monitor and note the inmate's activities in the housing area logbook at intervals no greater than fifteen (15) minutes. Mental Observation inmates housed in the Isolation Unit must be placed under constant supervision until Mental Health renders a determination.
- ii. The clearance request must be promptly presented to Mental Health staff upon their arrival at the facility.

c. VCBC

- i. Inmates designated for Close Custody Housing shall, while awaiting a clearance by Mental Health, be secured in the Intake in the manner prescribed in Section III.B.4.a. However, the Tour Commander may elect to transfer the inmate to AMKC if a determination is made that Mental Health staff will not be available to clear the inmate within eight (8) hours of receiving authorization to place the inmate in Close Custody Housing. The Tour Commander at AMKC must be notified of any such pending transfer.
- ii. The VCBC Tour Commander shall ensure the following documents accompany the inmate to AMKC:
 - Close Custody Housing Form #6006AR;
 - Medical chart; and
 - Any other document relative to the inmate's commitment or condition of confinement.
- iii. The AMKC Tour Commander must ensure that the clearance request is immediately forwarded to Mental Health upon the inmate's arrival at the facility. The inmate shall be made available to Mental Health staff only if so requested.

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- iv. In the event that Mental Health determines that the inmate must receive treatment and Mental Health supervision, the AMKC Tour Commander shall contact the Deputy Commissioner for Health, Mental Health, and Forensic Services.
 - v. The AMKC Tour Commander shall inform the VCBC Tour Commander of the outcome of the clearance request and the facility in which the inmate is to be housed.
5. A copy of the completed clearance request must be placed in the inmate's medical/psychiatric and legal folders regardless of the outcome of the evaluation.
 6. In the event that Mental Health staff determines that an inmate must receive treatment and mental health supervision, Mental Health staff will work with the Deputy Commissioner for Health, Mental Health, and Forensic Services, or his designee, to develop an individual supervision and treatment plan that will result in:
 - a. The inmate being placed into Close Custody Housing;
 - b. An alternative equally appropriate placement; or
 - c. A commitment to a psychiatric hospital.
 7. Regardless of the outcome of the mental health evaluation, a copy of the Close Custody Housing Form shall be placed in the inmate's legal folder.
 8. The Tour Commander shall ensure that, upon the conclusion of each day's processing of inmates into Close Custody, Form #6006E, entitled "Notification of Inmate Transfer," is prepared identifying all inmates who are not "Known to Mental Health" and who have been transferred to Close Custody Housing.

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III. PROCEDURES (cont.)

C. AUTHORIZATION AND PROCEDURE FOR INITIAL PLACEMENT INTO CLOSE CUSTODY

1. Initial Placement into Close Custody Housing (Non-Protective Custody)

It is expected that the majority of inmates entering Non-PC CCH will be placed there during business hours directly by OSIU. However, under certain conditions placements may be initiated by a facility, in which case the following procedures shall be followed:

- a. Any staff member who receives information indicating that an inmate may require Close Custody Housing shall immediately notify the area Captain, and isolate the inmate until the Captain arrives. The staff member shall complete Section A of Form #6006AR, Close Custody Housing Form. Information regarding an inmate may come from other units within the Department or outside of the agency. If this occurs, all information shall be channeled to OSIU which will handle the placement decision. OSIU will generate and maintain a folder of all inmates affected.
- b. In those cases where the information is developed within the command, the Captain shall interview the inmate in a confidential setting. The Captain shall bring the available information from staff and from the interview of the inmate to the Tour Commander. After reviewing the information presented, the Tour Commander shall contact OSIU who will make the initial determination for placement into CCH. If a decision for initial placement is made by OSIU, a CCH authorization number shall be provided to the Tour Commander. If a decision is made not to place the inmate in CCH, OSIU shall notify the Tour Commander. The Tour Commander shall immediately notify the Commanding Officer who shall take other appropriate actions if warranted, to ensure that the inmate is not a threat to other inmates, staff, or the good order and security of the facility.
- c. If a CCH placement has been authorized by OSIU, a facility Captain shall first explain the conditions of confinement in Close Custody Housing areas to the inmate and then inform the inmate that a determination shall be made within two (2) business days as to whether the inmate will remain in Close Custody Housing or be transferred to another appropriate area. The inmate shall further be informed that should a determination be made to continue placement in Close Custody Housing, he will have the right to a due process hearing if he does not consent to such placement. The Captain must ensure that the inmate is kept separate from all other inmates from this point forward.

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- d. The Tour Commander shall ensure that the inmate is processed for transfer to Close Custody Housing. In the event that there are no Close Custody Housing Units in the facility, the Tour Commander shall ensure that the inmate is immediately processed for transfer to an appropriate housing facility, in accordance with Operations Order #05/92, entitled "Processing and Monitoring Inter-Facility Transfers." In addition, the Tour Commander shall ensure that Sections B and E of Form #6006AR, Close Custody Housing Form are completed and fax the form to OSIU along with all supporting documents relative to the inmate's placement.
- e. The sending facility is responsible for ensuring that:
 - i. All appropriate documents including, but not limited to any and all documents that are required pursuant to existing Departmental procedures in connection with inter-facility transfers along with the Close Custody Housing Form are completed and contained in the inmate's legal folder prior to transfer; and
 - ii. The IIS is updated to reflect the inmate's status.

2. Initial Placement into Close Custody Housing (Protective Custody)

- a. Any staff member who receives information indicating that an inmate may require Protective Custody or General Population Escort Housing for his own protection, including a request from an inmate for protection, shall immediately notify the area Captain, and keep the inmate separate and apart from other inmates until the Captain arrives. The staff member shall complete Section A of Form 6006AR, Close Custody Housing Form.
- b. The Captain shall interview the inmate in a confidential setting regarding his need for protection. The Captain shall inform the inmate that upon approval by the Tour Commander the inmate may be assigned to Close Custody Housing for an initial review period and that a determination will be made within two (2) business days as to whether the inmate will remain in Close Custody Housing, be housed in General Population Escort housing, or in another appropriate area. The Captain shall explain the conditions of confinement in Close Custody and General Population Escort Housing areas. The Captain shall further inform the

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inmate that should a determination be made to continue placement in Close Custody the inmate will have the right to a due process hearing if the inmate does not consent to that placement. The Captain must ensure that the inmate is kept separate from all other inmates from this point forward.

- c. The Captain shall complete section B of Form #6006AR, Close Custody Housing Form and the completed form shall then be immediately forwarded to the Tour Commander for review. If no alternative security measures (e.g., separation orders, transfer to another facility) are deemed appropriate to ensure the safety of the inmate, the inmate shall be processed for transfer into the Protective Custody area of Close Custody Housing (PC/CCH). OSIU authorization is not required for initial placement into PC/CCH.
- d. The Tour Commander shall ensure that the Close Custody Housing Form includes a detailed reason for the placement into Close Custody Housing and that the inmate is processed for transfer to Close Custody Housing. In the event that there are no Close Custody Housing Units in the facility in which the inmate made the request, the Tour Commander shall ensure that the inmate is immediately processed for transfer to an appropriate housing facility, in accordance with Operations Order #05/92, entitled "Processing and Monitoring Inter-Facility Transfers." In addition, the Tour Commander shall complete Section E of Form #6006AR, Close Custody Housing Form and fax the form to OSIU.
- e. The sending facility is responsible for ensuring that:
 - i. All appropriate documents including, but not limited to any and all documents that are required pursuant to existing Departmental procedures in connection with inter-facility transfers, along with the Close Custody Housing Form, are completed and contained in the inmate's legal folder prior to transfer; and
 - ii. The IIS is updated to reflect the inmate's status.

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D. DETERMINATION AFTER ALL INITIAL PLACEMENTS IN CLOSE CUSTODY (Non-Protective Custody and Protective Custody)

1. Once initially placed, all inmates assigned to Close Custody Housing shall be reviewed within two (2) business days of placement by the Chief of Facility Operations or designee to determine if continued assignment is necessary or whether placement into a less restrictive housing unit would be adequate for the safety and security of the inmate and the Department. This includes all inmates who were initially placed in CCH/PC due to a request from the Court appearing on a securing order.
2. If necessary, the subject inmate shall be interviewed by OSIU, prior to the Chief of Facility Operations or designee's determination. The results of the interview shall be documented in Section "B" of Form #6006CR, "Close Custody Determination Form."
3. The Chief of Facility Operations or designee will document his decision on Form #6006CR, Close Custody Determination Form. A detailed description of the evidence relied upon to arrive at the determination shall be transcribed onto the form in Section "C" under "Basis for Decision."
4. If the Chief of Facility Operations or designee determines that placement should be continued, the inmate will remain in Close Custody Housing. If not, the inmate shall be placed in another appropriate housing area as determined by the Chief of Facility Operations or designee. The Chief of Facility Operations or designee's determination shall be documented on Form 6006CR, Close Custody Determination Form.
5. If a determination is made to continue the placement in Close Custody Housing, the inmate shall be questioned by a facility Captain as to whether he consents to continue such placement. If the inmate agrees to be so housed, then he shall be required to sign the waiver section of Form #6006BR, Notice of Right to Due Process Hearing Close Custody Form, acknowledging that he waives the right to a due process hearing. If the inmate does not consent to continued placement then he shall immediately be processed for involuntary placement into Close Custody in accordance with the procedures set forth in Section III, E.

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6. Form #6006CR, Close Custody Determination Form, along with Form #6006AR, Close Custody Housing Form and Form #6006BR, Notice of Right to Due Process Hearing Close Custody Housing Form, shall be filed in the inmate's legal folder and copies shall be forwarded to the Adjudication Captain assigned to that facility for those inmates who are placed involuntarily. These forms shall be forwarded prior to the three (3) business day requirement for the due process hearing to be held.

E. DUE PROCESS FOR INVOLUNTARY PLACEMENT INTO CLOSE CUSTODY HOUSING (PROTECTIVE CUSTODY AND NON-PROTECTIVE CUSTODY)

1. Upon involuntary placement of an inmate in a Close Custody Housing assignment, facility staff must provide the inmate with written notice of the assignment. (See Form #6006BR, "Notice of Right to Due Process Hearing Close Custody Housing Form.") The written notice form shall describe:
 - a. The reasons for the designation;
 - b. The evidence relied upon; however, the Department is not required to provide the inmate with the source of confidential information;
 - c. The inmate's right to a hearing before an impartial Captain from the Adjudication Unit; and
 - d. The inmate's rights at the hearing.
2. If the inmate requests a hearing to contest the Close Custody Housing designation, the inmate is entitled to the following rights at the hearing:
 - a. The right to appear personally;
 - b. The right to be informed of the evidence that resulted in the designation and to review any evidence submitted by the Department in support of its decision to place the inmate in Close Custody Housing, subject to the limitations set out in paragraph III.E.9.
 - c. The right to make statements. In cases where the inmate might be subject to a subsequent criminal prosecution, the inmate must be informed that while the proceeding is not a criminal proceeding, the statements made by the inmate may be used against him/her in a subsequent criminal trial. The inmate must also be informed that he/she may remain silent, and that his/her silence will not be used against him/her.

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- d. The right to call both inmate and staff witnesses within the Adjudication Captain's discretion;
 - e. The right to present evidence; and
 - f. The right to a written determination with reasons.
3. If the inmate is illiterate, the case is very complicated, or a pre-hearing transfer has restricted access to potential witnesses, the inmate is entitled to assistance. The Adjudication Captain may appoint a "Hearing Facilitator" from the facility staff to assist the inmate. A Hearing Facilitator is a civilian employee of the Department, usually a Legal Coordinator from the Law Library or a Counselor from Social Services. The Hearing Facilitator is not to act as an attorney. The Adjudication Captain may adjourn the hearing for a reasonable period to enable the Hearing Facilitator to become familiar with the facts. If the case is very complicated and a lawyer is willing to represent the inmate, the inmate may petition the Adjudication Captain for permission to be represented by an attorney. The decision whether to allow an attorney to represent an inmate at such a hearing rests solely within the discretion of the Adjudication Captain and the Legal Division.
 4. Where the inmate does not understand English an interpreter will be provided.
 5. In order to permit an administrative or judicial review of the hearing decision, and to assist the Adjudication Captain in reaching a decision based on the evidence adduced at the hearing, the Hearing Officer must record what takes place at the hearing. The tape of the hearing must be maintained with the record of the proceeding in the Security Office.
 6. The hearing must not be held sooner than twenty-four (24) hours after the inmate receives the written notice of the Close Custody security designation so that the inmate has sufficient time to prepare for the hearing, unless the inmate waives the twenty-four (24) hour preparation period in writing. If the inmate waives the notice period, the Adjudication Captain shall so note on the tape recorder.
 7. Except as provided in paragraph III. E. 8, the hearing must be held no later than three (3) business days after the inmate receives the written notice of the Close Custody security designation.

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8. The three (3) business days may be extended for the following reasons: The Adjudication Captain will specify one of the below reasons on the record:
 - a. When the inmate has a court appearance, whether in person or via a video-conference, and is therefore unavailable for the hearing;
 - b. When the inmate is hospitalized or is transferred out of the facility for a hospital or clinic appointment;
 - c. When the inmate leaves the facility for an attorney interview and is therefore unavailable for the hearing;
 - d. When an inmate is unavailable because he is transferred to another facility; and
 - e. When the inmate is unavailable due to his absence from the facility for any purpose, including significant family events or emergency situations.
9. The Adjudication Captain must ensure that the inmate has received copies of the written notice, that he understands the contents, and that he has been given at least twenty-four (24) hours to prepare for the hearing. If the Adjudication Captain receives any documentary evidence that will be considered at the hearing but that was not contained in the written notice, the inmate must be given the opportunity to review that material prior to or at the beginning of the hearing. The documentary evidence may omit confidential information to protect another person's safety or facility security. If necessary, the Adjudication Captain may adjourn the hearing to ensure that the inmate's rights have been protected.
10. Once the hearing begins, every reasonable effort should be made to conclude the hearing in one (1) session. However, if issues are raised that require further investigation or clarification, or if the inmate requests witnesses, the hearing may be adjourned for a reasonable period. Any adjournments of hearings must be minimized to the extent possible. The Deputy Warden for Security shall expedite the process of obtaining any and all information necessary to continue the hearing or to work towards finding a suitable location to house the inmate once he is removed from Close Custody Housing.
11. When the hearing is completed, the Adjudication Captain must decide if the evidence supports the decision to place the inmate in Close Custody Housing. Unless there are special circumstances, which must be documented in writing, the Adjudication Captain must complete a written recommendation, together with findings of fact and forward all recommendations and findings to the Chief of

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Facility Operations or designee within one (1) business day from the conclusion of the hearing. The report must articulate the recommendation, the findings on which it is based and the reason for the recommendation, which must be based solely on evidence presented at the hearing.

- Unless there are exceptional circumstances, which must be documented in writing, the Chief of Facility Operations or designee must review the recommendation within one (1) business day, and a final determination made. The Chief of Facility Operations or designee may or may not concur with the Adjudication Captain's recommendation, and the Chief of Facility Operations or designee's decision is final as to whether the inmate concerned should be housed in Close Custody Housing. If the Chief of Facility Operations or designee determines that the inmate should remain in Close Custody Housing, the inmate shall continued to be so housed. If the Chief of Facility Operations or designee determines that the inmate should not be housed in Close Custody Housing, the inmate must be moved to a non-Close Custody Housing area as soon as possible. The inmate's records must be adjusted to reflect his correct security status. The inmate is entitled to a written copy of the decision from the Chief of Facility Operations or designee within one (1) business day. (See Form #6006DR, "Notice of Close Custody Housing Disposition Form.")

NOTE: The Adjudication Unit Captain's recommendation is limited to a review of whether Close Custody placement should continue. The decision as to where to house the inmate in Close Custody rests with the Chief of Facility Operations or designee. Once the inmate is placed in the designated CCH by the Chief of Facility Operations or designee, the inmate shall not be removed without prior approval from the Chief of Facility Operations or designee.

F. TWENTY-EIGHT (28) DAY REVIEW OF VOLUNTARY AND INVOLUNTARY CLOSE CUSTODY PLACEMENTS

- All inmates (voluntary/involuntary) whose initial placement is upheld shall be reviewed at least every twenty-eight (28) days by the Chief of Facility Operations or designee.
- Five (5) business days prior to each inmate's twenty-eight (28) day review, the Deputy Warden for Security shall ensure that the inmate is provided with an Inmate Information for 28-Day Close Custody Status Review Form (Form #6006FR). The form enables voluntary Close Custody inmates to provide information in support of continued Close Custody placement and enables involuntary inmates to provide information in support of removal from Close Custody placement. Upon receipt, the inmate has the option to complete the

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form and return it via the Housing Area Officer to the Deputy Warden for Security.

Should an inmate choose not to complete the form, the Housing Area Officer shall complete Section C (Refusal to Complete Form) of the form and immediately transmit the form to the Deputy Warden for Security. Upon receipt of each Inmate Information for 28-Day Close Custody Status Review Form, the Deputy Warden for Security shall fax it to the Office of the Chief of Facility Operations.

3. In conducting the twenty-eight (28) day review, the Chief of Facility Operations or designee shall review the following documents:
 - a. Inmate Information for 28-Day Close Custody Status Review (Form #6006FR);
 - b. updated OSIU reports;
 - c. Close Custody Determination Form (Form #6006CR); completed
 - d. Notice of Close Custody Housing Disposition Form (Form #6006DR), including those completed for any previous twenty-eight (28) day reviews; and other documents as appropriate.
4. If the Chief of Facility Operations or designee determines that the inmate should not remain in Close Custody Housing, the inmate must be moved to a non-Close Custody Housing Area as soon as possible. The inmate's records must be adjusted to reflect his correct security status. The inmate is entitled to a written copy of the decision from the Chief of Facility Operations or designee within one (1) business day from the time that the decision is rendered. (See Form #6006DR, "Notice of Close Custody Housing Disposition Form".) The Chief of Facility Operations or designee's decision is final.
5. If the Chief of Facility Operations or designee determines that the inmate should remain in Close Custody Housing, the inmate is entitled to a written copy of the decision from the Chief of Facility Operations or designee within one (1) business day from the time that the decision is rendered. The Chief of Facility Operations or designee shall include in the decision a notation that a review of the inmate's placement in Close Custody Housing will be initiated again in twenty-eight (28) days. (See Form #6006DR, "Notice of Close Custody Housing Disposition Form".) The Chief or designee's decision is final.

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6. When the Chief of Facility Operations or designee intends to base an involuntary inmate's continued placement in Close Custody on new evidence, the inmate must be provided with the new evidence and afforded a due process hearing, prior to a determination by the Chief of Facility Operations or designee. The Chief of Facility Operations or designee shall complete a Notice of New Evidence/Right to Due Process Hearing form (Form#6006GR), and forward same to the Deputy Warden for Security in the facility where the inmate is housed. The Deputy Warden for Security shall ensure that the inmate is provided with Form #6006GR, within one (1) business day of receipt and that the form, signed by the inmate, is forwarded to the Adjudication Captain the following business day.
7. Upon receipt of the completed Notice of New Evidence/Right to Due Process Hearing form (Form #6006GR), for an inmate, the Adjudication Captain shall obtain from the Office of the Chief of Facility Operations the documents enumerated in Section III. F. 3. The hearing must not be held sooner than twenty-four (24) hours after the inmate receives the Notice of New Evidence/Right to Due Process Hearing form, (Form 6006GR), so that the inmate has sufficient time to prepare for the hearing, unless the inmate waives the twenty-four (24) hour preparation period in writing. If the inmate waives the notice period, the Adjudication Captain shall so note the waiver of the hearing on the tape recording.
8. The hearing must be held no later than three (3) business days after the inmate receives the Notice of New Evidence/Right of Due Process Hearing form (Form 6006GR). The three (3) business days may be extended for any of the reasons specified in Section III. E. 8. a – e.
9. The Adjudication Captain shall ask any and all inmates who are to be produced for a New Evidence/Right to Due Process Hearing whether they wish to waive such a hearing. If the inmate wishes to waive the hearing, then the Adjudication Captain will obtain the inmate's signature on section B of the Notice of New Evidence/Right to Due Process Hearing from (Form# 6006GR). If an inmate does not waive the Twenty-eight (28) Day Due Process Review, the inmate is entitled to the rights at the hearing delineated in Section III. E. 2 – 4.
10. The Adjudication Captain must tape record the hearing pursuant to Section III. E. 5.
11. The Adjudication Captain shall conduct the hearing, document his recommendation and issue it to the Chief of Facility Operations or designee in accordance with Section III. E. 9 – 11.

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III. PROCEDURES (cont.)

12. Unless there are exceptional circumstances, which must be documented in writing, the Chief of Facility Operations or designee must review the recommendation and render a determination within one (1) business day. The Chief of Facility Operations or designee may or may not concur with the Adjudication Captain's recommendation. The Chief of Facility Operations or designee's decision is final as to whether the inmate concerned should be housed in Close Custody Housing.
13. If the Chief of Facility Operations or designee determines that the inmate should not remain in Close Custody Housing, the inmate must be moved to a non-Close Custody Housing area as soon as possible. The inmate's records must be adjusted to reflect his correct security status. The inmate is entitled to a written copy of the decision from the Chief of Facility Operations or designee within one (1) business day from the time that the decision is rendered. (See Form # 6006DR, "Notice of Close Custody Housing Disposition Form.")
14. If the Chief of Facility Operations or designee determines that the inmate should remain in Close Custody Housing, the inmate is entitled to a written copy of the decision from the Chief of Facility Operations or designee within one (1) business day from the time the decision is rendered. (See Form #6006DR, "Notice of Close Custody Housing Disposition Form.") The Chief of Facility Operations or designee shall include in the decision a notation that a review of the inmate's placement in Close Custody Housing will be initiated again in twenty-eight (28) days.

G. REQUEST FOR REMOVAL FROM CLOSE CUSTODY BY VOLUNTARY INMATES

An inmate who has voluntarily entered Close Custody Housing may request removal from such housing by submitting an interview slip to the Deputy Warden for Security. Upon submitting this request, the inmate's status shall be converted from voluntary to involuntary and the inmate shall be immediately processed accordingly. The Deputy Warden for Security shall ensure that the inmate receives the notice and hearing required for involuntary placement in accordance with Section III.E.

IV. OPERATING PROCEDURES

- A. Inmates assigned to CCH are those inmates who the Department has identified and verified to be either a serious threat to other inmates and staff (CCH/NON-PC) or are threatened by other inmates (CCH/PC) and cannot reasonably be housed anywhere else in the Department. Close Custody shall be considered the most restrictive security status assigned to an inmate. Inmates placed in Close Custody will only be allowed out of their cells for the purposes and at the times described herein.

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IV. OPERATING PROCEDURES (cont.)

- B. Based on this designation, it is imperative that each of these inmates is kept separate from all other inmates at all times. This prohibition from contact applies at all times including, but not limited to:
1. Movement within assigned housing area;
 2. Escorts to and from housing areas;
 3. Attendance at program or service locations within the facility;
 4. Transportation; and
 5. Court production and hospital runs.
- C. Staff assigned to supervise, escort and transport Close Custody inmates shall be continually vigilant of both the inmate's actions and other inmates who may gain access to areas that they are escorting the inmate through.
1. Admission Procedures
 - a. Inmates shall be pedigreed and subjected to a three-point search (strip search, magnetometer and hand-held transfrisker).
 - b. The inmate's property shall be searched, and the inmate shall be permitted to retain the same type and amount of property allowed for general population.
 2. Privileges, Programs and Services

The Deputy Warden for Programs will ensure that Close Custody Housing inmates receive mandated services and programs consistent with General Population (GP) services and programs with the exception that such services and programs are to be received in cell. Close Custody inmates shall be provided:

 - a. Clothing, bedding supplies, and laundry exchange. Close Custody inmates shall be provided weekly laundry services for their personal clothing.
 - b. Meals that are available to the General Population (GP).
 - c. Opportunities for correspondence.

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IV. OPERATING PROCEDURES (cont.)

d. Rights of access to the courts.

Law Library services will be permitted "in-cell." Materials may be requested in reasonable amounts from the Law Library. Inmates will be allowed appropriate paper and writing implements for preparation of legal papers. A room or cell shall be identified for each Close Custody Housing area that is equipped with a typewriter for inmates' use when the need is communicated by the Law Library Coordinator.

e. Telephone privileges.

Inmates in Close Custody Housing are entitled to the same number of telephone calls as General Population (GP) inmates.

f. Access to Department of Education (DOE) Services.

Inmates who are eligible to participate in educational services provided by the Department of Education of the City of New York shall not be denied such access on the basis of their Close Custody status. Cell study educational services shall be provided in a manner consistent with Directive #3503R, "Inmate Access to Board of Education Services".

g. The opportunity for one (1) hour of outside recreation on a daily basis.

Each Close Custody inmate shall be escorted to outside recreation individually and be placed into an Individual Recreation Area (IRA) where he will recreate for a minimum of one (1) hour. When outdoor recreation is cancelled due to inclement weather, indoor recreation shall be provided if the facility can keep the Close Custody inmates separate from each other.

h. The opportunity to shower and shave once per day.

Inmates with a scheduled court appearance shall be permitted to shower and shave on the day of, and at a time prior to, departure from the facility for that court appearance. A shower logbook shall be maintained in each Close Custody unit. The inmate requesting to shower will proceed to the shower area and the escort officer shall sign the logbook, which will include the time in and out of the shower.

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IV. OPERATING PROCEDURES (cont.)

- i. Access to Medical/Mental Health Services (also refer to Directive #4018R, Referral of Inmates to Mental Health Services):
- Medical staff shall visually observe and communicate with the inmate at least once daily (Monday through Friday) to provide access to daily sick call and to assess the inmate's medical condition.
 - Medical staff will identify those inmates in need of additional treatment, and arrangements shall be made for those inmates to be brought to the facility clinic for additional medical or Mental Health evaluation and treatment.
 - In the event of an emergency, or as directed by medical staff, an inmate will be taken to the facility clinic.
 - Medication shall be delivered to Close Custody inmates at their cell fronts.
- j. Visits at the same times and frequency as those inmates in General Population (G.P.). However, Close Custody inmates shall be afforded visits in a contact booth instead of on the visit contact floor.
- k. The opportunity to send and receive packages.
- l. Access to attorney visits.
- m. Commissary via bagged goods on a weekly basis.
- n. Religious and Counseling Services.

The Administrative Chaplain of each facility in which Close Custody inmates are housed shall be responsible for ensuring that the religious obligations of each Close Custody inmate are met, consistent with the requirements of the religion and the requirements of this Directive that the inmate not engage in congregational activity. Additionally:

- i. Inmates newly admitted into Close Custody Housing are to be seen within twenty-four (24) hours by either a Chaplain or Counselor;

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IV. OPERATING PROCEDURES (cont.)

- ii. Each inmate contact must be documented in a logbook maintained by Counseling/Ministerial staff. Each entry should indicate what type of service was rendered to each inmate;
 - iii. A schedule will be developed noting the day and housing area Counseling/Ministerial staff will provide coverage;
 - iv. Where necessary proper referrals will be made to medical or Mental Health staff;
 - v. A clergy member of each faith will see inmates of that faith twice per week; and
 - vi. Counseling staff will see inmates in each housing area on Mondays to address any emergencies that occurred over the weekend.
3. Restraints and Escort Policy
- a. Inmates housed in Close Custody will not be routinely restrained once outside their cells or when moving throughout the facility unless they have been placed in restraint status in accordance with Operations Order #14/97, entitled "Security Restraints for Violent Inmates." Once outside of their cell or a holding pen, Close Custody inmates may not be left unattended.
 - b. If the Close Custody inmate is in restraint status, the inmate shall be advised that any refusal to comply with the security restraint procedure shall be deemed a refusal to attend the program or service for which the inmate is exiting their cell. Notification to the housing area Captain shall be made of any refusal to comply and all refusals shall be clearly documented in the housing area logbook.
 - c. Close Custody status does not alter or supersede the placement of an inmate in Red ID or Enhanced Restraint Status pursuant to the provisions of Directive #4518R-A, entitled "Red ID Status and Enhanced Restraint Status Due Process". However, inmates that are designated as Close Custody shall be housed in a Close Custody Housing unit as opposed to being transferred to a Restraint unit.
 - d. A Close Custody inmate being escorted outside of the facility, for whatever reason, shall be kept separate from other inmates during transportation. The Chief of Facility Operations or designee will determine the type of restraint and number of staff escorts required to transport each Close Custody inmate.

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IV. OPERATING PROCEDURES (cont.)

Upon arrival at the inmate's destination (court, hospital, etc.), each Close Custody inmate shall be kept separate and apart from other inmates. If they are also categorized as Red ID and/or Enhanced Restraint, they shall be restrained while in holding in accordance with Directive #4518R-A, entitled "Red ID Status and Enhanced Restraint Status Due Process".

4. Tours of Inspection

Every inmate placed into Close Custody shall be observed at least once every half-hour on each tour of duty by the Correction Officer making such observations. Such observations shall be recorded in a "Special Observation" logbook, in accordance with Rule & Regulation # 7.05.160.

V. REFERENCES

- A. Directive #1251R, entitled "Inmate Personal Laundry," dated 10/21/97.
- B. Directive #2005, entitled "Inmate Visit Procedures – Rikers Island," dated 03/18/93 (as amended).
- C. Directive #3252, entitled "Congregate Religious Services," dated 04/19/85 (as amended).
- D. Directive #3503R, entitled "Inmate Access to Board of Education Services," dated 07/01/99, (as amended).
- E. Directive #4000, entitled "Inmate Personal Hygiene," dated 07/01/79 (as amended).
- F. Directive #4001RR, entitled "Inmate Correspondence," dated 05/09/97 (as amended).
- G. Directive #4013RR, entitled "Restitution for the Intentional Damage or Destruction of City Property," dated 05/20/91 (as amended).
- H. Directive #4018R, entitled "Referral of Inmates to Health Services," dated 04/08/99.
- I. Directive #4501R-A, entitled "Pre-Hearing Detention and Punitive Segregation Status Inmates," dated 10/14/05.

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V. REFERENCES (cont.)

- J. Directive #4505R, entitled "Centrally Monitored Cases," dated 02/10/92 (as amended).
- K. Directive #4508R-B, entitled "Control of and Search for Contraband," dated 06/10/05.
- L. Directive #4514, entitled "Housing Area Logbooks," dated 10/02/89 (as amended).
- M. Directive #4518R-A, entitled "Red ID Status and Enhanced Restraint Status Due Process," dated 06/30/04.
- N. Directive #6500R-B, entitled "Inmate Disciplinary Due Process," dated 03/29/06.
- O. Operations Order #05/92, entitled "Processing and Monitoring Inter-Facility Transfers," dated 02/28/92 (as amended).
- P. Operations Order #14/97, entitled "Security Restraints For Violent Inmates," dated 10/22/97 (as amended).
- Q. Rule & Regulation # 7.05.160
- R. NYS Correction Law §500-c(2)
- S. NYS Correction Law §500-c(4)
- T. NYS Correction Law §500-b(7)
- U. Memorandum #01/07, entitled "Vulnerable Inmates", dated 01/19/07.

VI. ATTACHMENTS

- A. Form #6006AR, Close Custody Housing Form.
- B. Form #6006BR, Notice of Right to Due Process Hearing Close Custody Housing Form.
- C. Form #6006CR, Close Custody Determination Form.
- D. Form #6006DR, Notice of Close Custody Housing Disposition Form.
- E. Form #6006E, Notification of Inmate Transfer.

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VI. ATTACHMENTS (cont.)

- F. Form #6006FR, Inmate Information For 28-Day Close Custody Status Review.
- G. Form #6006GR, Notice of New Evidence/Right to Due Process Hearing Form.

VII. SUPERSEDES

- A. Directive # 6005R-B, entitled "CLOSE CUSTODY HOUSING," dated 01/19/07.
- B. Any Directive, Operations Order, etc. that conflict with this Directive.