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THE CITY OF NEW YORK
DEPARTMENT OF CORRECTION

DIRECTIVE

[X] NEW	[ ] INTERIM	[ ] REVISED	SUBJECT
EFFECTIVE DATE **05/24/10**	*TERMINATION DATE / /		**PROTECTIVE CUSTODY**

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6007	**6006R-D**	**05/28/09**	[X] **YES** [ ] **NO**	**A**	1 OF 17 PAGES

RECOMMENDED FOR APPROVAL BY REVIEW BOARD MEMBER	AUTHORIZED BY THE COMMISSIONER
LARRY W. DAVIS SR., CHIEF OF DEPARTMENT SIGNATURE	DORA B. SCHRIRO SIGNATURE

I. PURPOSE

The purpose of this directive is to establish procedures for the assignment of vulnerable inmates into protective custody (PC) and the operation of protective custody housing units.

II. POLICY

A. The New York City Department of Correction (Department) shall assign vulnerable inmates for their own protection to protective custody when these inmates cannot be safely housed in a less restrictive setting in the general population. The Department shall maintain protective custody housing units to provide for their safety and the system's security.

B. The Department shall afford inmates opportunity to request assignment to protective custody housing and will evaluate whether assignment (voluntary assignment to protective custody) is appropriate. The Department will also afford inmates assigned involuntarily to protective custody (involuntary assignment to protective custody) opportunity to challenge their assignment. To ensure that inmates assigned to protective custody continue to be appropriately housed, the Department will periodically reevaluate all voluntary and involuntary assignments to protective custody.

III. DEFINITIONS

A. Protective Custody housing: A housing unit designated for those inmates whom the Department has determined to be at risk from other inmates and for safety and security reasons cannot reasonably be housed in a less restrictive assignment in the general population.

Inmates placed in protective custody housing are afforded the same lock-in/lock-out privileges and access to mandated services and programs as general population inmates but are segregated from the rest of the inmate population.

III. DEFINITIONS (cont.)

B. Temporary Protective Custody housing: A secure housing assignment where an inmate is placed during the two business day assessment period pending the determination of whether the inmate should be assigned to protective custody housing.

Newly admitted inmates undergoing the two business day assessment period will be housed in a different Temporary Protective Custody housing unit than inmates also pending assessment who were previously subject to admission procedures for their current incarceration.

C. General Population Escort housing: A housing unit designated for inmates whom the Department has determined to be vulnerable but not requiring protective custody housing. An officer shall escort an inmate assigned to General Population Escort housing to and from any destination outside the housing area.

D. Separation Order: Based upon information provided by and requests from the Court, the Intelligence Unit, the facilities, and other sources, the Operations Security Intelligence Unit (OSIU) shall issue orders separating one or more inmates from one or more other inmates, usually requiring such inmates to be housed in separate facilities and always requiring that such inmates are not commingled. OSIU shall enter information pertaining to Separation Orders into the Inmate Information System (IIS). Information in IIS pertaining to Separation Orders is located in the QSEP screen and the designation, "S," is added to the end of the book and case number of each inmate subject to a Separation Order. In addition, a yellow-numbered designator is placed on such inmates' accompanying card.

E. Facility Transfer Order: Inmates may be transferred to a different housing unit within the same facility (intra-facility transfer) or to a housing unit in a different facility (inter-facility transfer). An officer in the rank of captain or above may initiate intra- or inter-facility transfer orders. Pursuant to Operations Order 05/92 – Processing and Monitoring Inter-facility Transfers, inter-facility transfers must be coordinated with the New Admission Movement Control Unit, which must issue an inter-facility transfer number.

IV. PROCEDURES

A. PLACEMENT CRITERIA

1. Inmates may be placed in protective custody for their safety and the system's security. Factors to consider in making a determination that protective custody is warranted include:

    a. Specificity of the information received;

    b. Credibility of the source of the information;

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c. The immediacy of the perceived threat;

d. The inmate's past and present institutional history including unusual incidents and any documentary information available, e.g., infractions, injury reports, and use of force reports;

e. Intelligence Unit (IU) information;

f. Notoriety of the crime with which the inmate is charged, notoriety of the crime victim(s), and notoriety of the inmate;

g. The nature of the crime with which the inmate is charged, e.g., sex crimes, especially those involving children;

h. The inmate's vulnerability;

i. The inmate's affiliation with a security risk group; and

j. The inmate's mental health.

2. Less restrictive or alternate methods of providing for an inmate's safety, such as issuance of Separation Orders or Facility Transfer Orders or assignment to General Population Escort housing, shall be used whenever appropriate instead of assigning an inmate to protective custody.

3. If an inmate's court securing order contains an endorsement that an inmate is to be placed in protective custody, the court's endorsement shall be treated as a recommendation. Such inmates shall be placed in a temporary protective custody housing unit until their status is reviewed in accordance with the provisions of this directive. If the OSIU determines that an inmate should remain in protective custody and the inmate does not wish to be placed in such status, the inmate shall then be processed pursuant to Section IV.D.

4. A court's securing order notations regarding an inmate's placement in protective custody are to be distinguished from lock-down orders. Lock-down orders are separate orders that a court issues. The Department must comply with lock-down orders unless such compliance interferes with the facility's operation, in which case the Legal Division will communicate with the court regarding the Department's objection(s) to the lock-down order. Pending an amendment to the lock-down order, the Department must comply with that order. Only a court may change a lock-down order.

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B. AUTHORIZATION AND PROCEDURE FOR INITIAL ASSIGNMENT TO PROTECTIVE CUSTODY

1. Initial Assignment to Protective Custody Housing – Tour Commander Determination

a. Any staff member who receives information indicating that an inmate may require protective custody, including a request from an inmate for protection, must immediately notify the area captain, and keep the inmate separate and apart from other inmates until the captain arrives. The staff member must complete Section A, Form 6007A – Initial Placement Into Protective Custody Housing Form.

b. The captain must interview the inmate in a confidential setting regarding the inmate's potential need for protection. The captain must inform the inmate that upon approval by the tour commander the inmate will be assigned to temporary protective custody for an initial review period and that a determination will be made within two business days as to whether the inmate will remain in protective custody or will be housed in another appropriate area. The captain must explain the conditions of confinement in protective custody. The captain must further inform the inmate that should a determination be made to assign the inmate to protective custody, the inmate can request a hearing if the inmate does not consent to assignment to protective custody.

At this time, the captain must ensure that the inmate is kept separate from all other inmates.

c. The captain must complete Section B, Form 6007A - Initial Placement into Protective Custody Housing Form, ensure that the Initial Placement into Protective Custody Housing Form includes a detailed reason for the inmate's assignment to protective custody, and immediately forward it to the tour commander for review.

d. The tour commander must ensure that the Initial Placement into Protective Custody Housing Form includes a detailed reason for the inmate's temporary placement into a protective custody housing unit. If the tour commander determines that no alternative security measure (a Separation Order, Facility Transfer Order, or General Population Escort housing) is appropriate to ensure the safety of the inmate, the inmate shall be processed for transfer into a protective custody housing unit consistent with the provisions of this directive.

IV. PROCEDURES (cont.)

e. In the event that there are no protective custody housing units in the facility where the inmate is currently located or housed, the tour commander must ensure that the inmate is immediately processed for transfer to an appropriate housing facility, in accordance with Operations Order 05/92 - Processing and Monitoring Inter-facility Transfers.

f. During business hours, the tour commander must contact the OSIU to obtain a PC number for the initial placement. During non-business hours, the tour commander must contact the Central Operations Desk (COD) for a PC number for the initial placement. The tour commander is responsible for ensuring that Form 6007A is completed whether or not OSIU ultimately authorizes the inmate's placement into protective custody housing. The tour commander must personally complete Section C, Form 6007A - Initial Placement Into Protective Custody Housing Form and must indicate the final determination regarding the inmate's initial placement into protective custody in Section C – To Be Completed By Tour Commander, by checking the appropriate boxes, and recording all relevant information in the designated spaces. In those cases where the inmate has been bailed out, discharged or transferred, the tour commander shall endorse Form 6007A and ensure that the original is placed in the inmate's legal folder, and that the form is not discarded, whether or not OSIU issues a PC authorization number or places the inmate in protective custody. The tour commander must fax the form to OSIU (718-546-8033).

g. The sending facility is responsible for ensuring that:

i. All appropriate documents including those that are required pursuant to existing departmental procedures in connection with inter-facility transfers, along with the Initial Placement into Protective Custody Housing Form, shall be completed and included in the inmate's legal folder prior to transfer, and

ii. The Inmate Information System (IIS) is updated to reflect the inmate's security status (protective custody).

C. DETERMINATION AFTER INITIAL ASSIGNMENT TO PROTECTIVE CUSTODY

1. Within two business days, OSIU must review the initial placements of all inmates assigned to temporary protective custody housing, (including those inmates placed into temporary protective custody housing due to a court request noted on an inmate's securing order), to determine if continued assignment to protective custody is necessary or whether placement into a less

IV. PROCEDURES (cont.)

restrictive housing unit would be appropriate to provide for the safety of the inmate and the system's security.

2. OSIU must consult with facility commanders to ascertain whether additional information is available that may be useful in determining whether protective custody housing is necessary and to determine the type of housing that would be most appropriate for housing a particular inmate.

3. OSIU must interview the subject inmate prior to making a determination as to whether assignment to protective custody is necessary. OSIU must document the results of the interview in Section B, Form 6007B – Protective Custody/General Population Escort Determination Form.

4. OSIU must document its decision on Form 6007B – Protective Custody/General Population Escort Determination Form. OSIU must complete all sections of this form and must provide a detailed description of the evidence relied upon to arrive at its determination in Section C, Basis for Decision.

5. If OSIU determines that placement in protective custody housing should be continued, the inmate will remain in protective custody housing. If not, OSIU will select a housing area appropriate for the inmate and move the inmate to a non-protective custody housing area as soon as possible, but no later than the next business day. The intake supervisor of the receiving facility or, for an intra-facility transfer the facility movement staff, must ensure that the inmate's records, including IIS, are adjusted to reflect the inmate's correct security status. OSIU must document its determination on Form 6007B – Protective Custody/General Population Escort Determination Form and forward this form to the facility where the inmate is housed.

6. If OSIU determines to continue the inmate's placement in protective custody housing, a facility captain must question the inmate as to whether the inmate consents to continue such placement. If the inmate agrees to be so housed, then the inmate must sign the waiver section of Form 6007C - Notice of Hearing Protective Custody Housing Form, acknowledging that the inmate waives the hearing. If the inmate does not consent to continued placement in protective custody housing, then the inmate must be processed immediately for involuntary placement into protective custody in accordance with the procedures set forth in Section IV.D.

7. Facility staff must file Form 6007B - Protective Custody/General Population Escort Determination Form, and Form 6007C - Notice of Hearing Protective Custody Housing Form, in the inmate's legal folder and forward copies of each to the hearing officer (adjudication captain) assigned to the facility where the

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inmate is placed involuntarily in protective custody housing. Facility staff must forward these forms to the adjudication captain prior to the hearing.

D. THE PROCESS FOR INVOLUNTARY ASSIGNMENT TO PROTECTIVE CUSTODY

1. Upon involuntary assignment of an inmate to protective custody housing, facility staff shall provide the inmate with written notice of the assignment. (Form 6007C - Notice of Hearing Protective Custody Housing Form.) The written notice form shall describe:

   a. The reasons for the designation;

   b. The evidence relied upon, though the Department is not required to provide the inmate with the source of confidential information;

   c. The inmate's ability to request a hearing before an impartial captain from the Adjudication Unit; and

   d. The hearing process.

2. If the inmate requests a hearing to contest their placement in protective custody housing, the hearing shall be conducted as follows:

   a. The inmate may appear at the hearing;

   b. The inmate shall be informed of the evidence that resulted in the placement, subject to the limitations set out in paragraph Section IV.D.9.

   c. The inmate may make a statement;

   d. The inmate may call witnesses, within the adjudication captain's discretion;

   e. The inmate may present evidence; and

   f. The inmate shall receive a written, reasoned determination.

3. If the inmate is illiterate or the case is overly complicated, the inmate may request assistance. The adjudication captain shall 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 Social Services Unit counselor. The hearing facilitator may not act as an attorney and must not provide legal advice. The adjudication captain may adjourn the hearing for a reasonable period to enable the hearing facilitator to

IV. PROCEDURES (cont.)

become familiar with the facts. If the case is 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 at the inmate's own expense. The decision as to 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. When the inmate does not understand English, the Department will provide an interpreter.

5. The adjudication captain shall create a record of what takes place at the hearing. The recording of the hearing shall be maintained, along with the record of the proceeding, in the facility's Security Office.

6. The hearing shall not be held sooner than 24 hours after the inmate receives written notice (Form 6007C - Notice of Hearing Protective Custody Housing Form) of the inmate's placement into protective custody housing so that the inmate has sufficient time to prepare for the hearing. However, the inmate may waive in writing the 24-hour preparation period. If the inmate waives the 24-hour preparation period, the adjudication captain shall note such waiver on the record.

7. Except as provided in Section IV.D.8, the hearing shall be held no later than three business days after the inmate receives the written notice (Form 6007C - Notice of Hearing Protective Custody Housing Form) of the inmate's placement into protective custody housing.

8. The three business day requirement may be extended for one or more of the following reasons that the adjudication captain must specify on the record:

   a. The inmate has a court appearance and is therefore unavailable for the hearing;

   b. The inmate is hospitalized or is transferred out of the facility for a hospital or clinic appointment, including Urgi-care;

   c. The inmate leaves the facility to meet with an attorney and is therefore unavailable for the hearing;

   d. The inmate is unavailable due to transfer to another facility; and/or

   e. The inmate is unavailable due to the inmate's absence from the facility for any lawful purpose, including significant family events or emergency situations.

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9. The adjudication captain shall ensure that the inmate has received copies of the written notice, that the inmate understands the notice's contents, and that the inmate has been given at least 24 hours to prepare for the hearing. If the facility or OSIU provides the adjudication captain with documentary evidence that will be considered at the hearing but that was not contained in the written notice, the inmate will 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, but for no longer than required.

10. Once the hearing begins, every reasonable effort should be made to conclude the hearing in one session. However, if issues are raised that require further investigation or clarification, the hearing may be adjourned for a period of time of no more than three business days. The deputy warden for security shall expedite the process of obtaining any and all information necessary to continue the hearing.

11. When the hearing is completed, the adjudication captain shall decide if the evidence supports the decision to place the inmate in protective custody housing. Unless special circumstances exist, which the adjudication captain shall document in writing, within one business day from the conclusion of the hearing the adjudication captain will make a written recommendation, together with findings of fact, and forward all recommendations and findings to OSIU. The adjudication captain's report shall articulate the recommendation, the findings of fact on which it is based, and the reason for the recommendation, which shall be based solely on evidence presented at the hearing.

12. Unless there are exceptional circumstances, which shall be documented in writing, within one business day OSIU shall review the recommendation and make a final determination regarding the inmate's placement in protective custody and housing assignment. OSIU must record its final determination by completing Section E, Form 6007D - Notice of Protective Custody Housing Disposition Form. OSIU may or may not concur with the adjudication captain's recommendation and OSIU's decision is final as to whether the inmate concerned should be placed in protective custody and assigned to protective custody housing. If OSIU determines that the inmate shall remain in protective custody housing, the inmate will continue to be so housed. If OSIU determines that the inmate shall not be housed in protective custody housing, the inmate shall be moved to a non-protective custody housing area as soon as possible, but no later than the next business day. The intake supervisor of the receiving facility or, for an intra-facility transfer the facility movement staff, must ensure that the inmate's records, including IIS, are adjusted to reflect the inmate's changed designation. The inmate shall be provided a written copy of OSIU's

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decision within one business day. (See Form 6007D - Notice of Protective Custody Housing Disposition Form.)

NOTE: The Adjudication Unit captain's recommendation is limited to a review of whether assignment of an inmate to protective custody shall continue. The decision as to where to house the inmate in protective custody housing rests with OSIU.

After OSIU determines that the inmate shall be placed in protective custody housing, the inmate must not be removed without prior approval from OSIU.

E. ON-GOING REVIEW OF VOLUNTARY AND INVOLUNTARY PROTECTIVE CUSTODY ASSIGNMENTS

1. OSIU will review the assignment of an inmate (voluntary/involuntary) to protective custody 30 days after OSIU initially determined to assign the inmate to protective custody and then every 60 days thereafter.

2. Five business days prior to the inmate's initial 30-day and subsequent 60-day reviews, the deputy warden for security must ensure that the inmate is provided with Form 6007E - Inmate Information for 30-day/60-day Protective Custody Status Review Form. This form enables inmates placed voluntarily and involuntarily into protective custody to provide information in support of continued protective custody assignment as well as removal from protective custody placement. Upon receipt, the inmate has the option to complete the form and return it via the housing area supervisor to the deputy warden for security.

   Should an inmate fail to complete and return the form, the housing area supervisor must complete Section C, Refusal to Complete Form, and immediately transmit the form to the deputy warden for security. Upon receipt of each Inmate Information for 30-day/60-day Protective Custody Status Review Form, the deputy warden for security must fax it to OSIU.

3. In conducting the 30-day initial or 60-day subsequent reviews, OSIU must review the following documents:

   a. Inmate Information for 30-day/60-day Protective Custody Status Review Form (Form 6007E);

   b. Updated OSIU reports;

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c. Protective Custody/General Population Escort Determination Form (Form 6007B);

d. Notice of Protective Custody Housing Disposition Form (Form 6007D), including those completed for any previous 30-day or 60-day reviews; and

e. Any other relevant documents.

4. OSIU must complete sections A, B, and E, Form 6007D – Notice of Protective Custody Housing Disposition Form. OSIU must include in its decision, (in section E of Form 6007D – Notice of Protective Custody Housing Disposition Form), a notation that the next review of the inmate's placement in protective custody housing will be completed in 60 days. OSIU must forward Form 6007D to the facility.

5. If OSIU determines that the inmate shall not remain in protective custody housing, the inmate will be moved to a non-protective custody housing area as soon as possible, but no later than the next business day. The intake supervisor of the receiving facility or, for an intra-facility transfer, the facility movement staff, will ensure that the inmate's records, including IIS, are adjusted to reflect the change in designation. The inmate shall be given a copy of OSIU's written decision (see Form 6007D – Notice of Protective Custody Housing Disposition Form) within one business day from the time that OSIU renders its decision. OSIU's decision is final.

6. If OSIU determines that the inmate shall remain in protective custody housing, the inmate shall be given a copy of OSIU's written decision within one business day from the time that OSIU renders its decision. OSIU's decision is final.

7. When OSIU intends to base its decision to continue the assignment of an inmate involuntary assigned to protective custody based upon new evidence, prior to OSIU's determination the inmate shall be provided with a description of the new evidence and afforded a hearing. OSIU shall complete a Protective Custody Notice of New Evidence/Hearing Form (Form 6007F) and forward it 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 6007F within one business day of receipt and that the form, signed by the inmate, is forwarded to the adjudication captain the following business day.

8. Upon receipt of the Protective Custody Notice of New Evidence/Hearing Form (Form 6007F), the adjudication captain shall obtain from OSIU the documents enumerated in Section IV.E.3. The new hearing shall not be held sooner than 24 hours after the inmate receives the Protective Custody Notice of New

IV. PROCEDURES (cont.)

Evidence/Hearing Form (Form 6007F), so that the inmate has sufficient time to prepare for the hearing. However, the inmate may waive in writing the 24-hour preparation period. If the inmate waives the period, the adjudication captain shall note such waiver on the record.

9. The hearing shall be held no later than three business days after the inmate receives the Protective Custody Notice of New Evidence/Hearing Form (Form 6007F). The three business days may be extended for any of the reasons specified in Section IV.D.8.a-e.

10. The adjudication captain shall ask every inmate who is to be produced for a new evidence hearing whether the inmate elects to waive the hearing. If the inmate elects to waive the hearing, the adjudication captain shall obtain the inmate's signature on section B of the Protective Custody Notice of New Evidence/Hearing Form (Form 6007F). If an inmate does not waive the hearing, the hearing shall be conducted in accordance with Section IV.D.2-4.

11. The adjudication captain shall record the hearing pursuant to Section IV.D.5.

12. The adjudication captain shall conduct the hearing, document his recommendation in Section D – Recommendation by Adjudication Captain (see Form 6007D—Notice of Protective Custody Housing Disposition Form) and issue it to OSIU in accordance with Section IV.D.9-11.

13. Unless there are exceptional circumstances, which shall be documented in writing, within one business day OSIU shall review the recommendation and make a final determination regarding the inmate's assignment to protective custody. OSIU may or may not concur with the adjudication captain's recommendation and OSIU's decision is final as to whether the inmate concerned should continue to be assigned to protective custody housing.

14. If OSIU determines that the inmate shall not remain in protective custody housing, the inmate must be moved to a non-protective custody housing area as soon as possible. The intake supervisor of the receiving facility or, for an intra-facility transfer the facility movement staff, must ensure that the inmate's records, including IIS, are adjusted to reflect their change in designation. The inmate shall be given a copy of OSIU's written decision within one business day from the time OSIU renders its decision. (See Form 6007D – Notice of Protective Custody Housing Disposition Form.)

15. If OSIU determines that the inmate shall remain in protective custody housing, the inmate shall be given a copy of OSIU's written decision within one business day from the time the decision is rendered. (See Form 6007D - Notice of Protective Custody Housing Disposition Form.) In section E of Form

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6007D, OSIU shall include in the decision a notation that a review of the inmate's assignment to protective custody will occur in 60 days.

F. REQUEST FOR REMOVAL FROM PROTECTIVE CUSTODY BY INMATES WHO PREVIOUSLY VOLUNTARILTY AGREED TO THE PROTECTIVE CUSTODY ASSIGNMENT

An inmate who voluntarily agreed to be assigned to protective custody may at any time request removal from such housing by submitting an interview slip to the deputy warden for security. Upon submitting this request, the inmate shall be moved to a temporary protective custody housing unit and, within two business days, OSIU shall assess whether the inmate should be assigned to protective custody housing. If OSIU determines that the inmate shall remain in protective custody housing, the inmate's status shall be changed 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 provided for involuntary placement in accordance with Section IV.D.

G. 60-DAY REVIEW OF GENERAL POPULATION ESCORT PLACEMENTS

Every 60 days, or sooner if new information becomes available that may impact an inmate's security status, the OSIU shall assess every inmate assigned to general population escort housing to determine if the inmate should continue to be housed in general population escort housing or transferred to other appropriate housing.

V. OPERATING PROCEDURES

A. Inmates assigned to protective custody are those inmates whom the Department has determined to be at risk from other inmates and for safety and security reasons cannot be housed in a less restrictive assignment in the general population.

B. Inmates assigned to temporary and protective custody housing will be afforded the same lock-in/lock-out privileges as general population inmates and shall not be required to remain confined to cells at night in excess of eight hours in any 24-hour period and during the day in excess of two hours in any 24-hour period.

C. Placement of inmates in protective custody housing units must be consistent with their custody classifications. Inmates assigned to protective custody shall be placed in protective custody housing units in which other protective custody inmates with similar custody classifications are assigned consistent with Directive 4100R-B - Classification.

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D. In assigning inmates to protective custody housing units, OSIU must take into account the reasons for inmates' placement into protective custody and whether the inmates have been placed voluntarily or involuntarily into protective custody.

E. Inmates assigned to temporary interim protective custody housing pending completion of the two business day assessment, shall not be housed with inmates already designated as protective custody. In addition, newly admitted inmates undergoing the two business day assessment period will be housed in a different Temporary Protective Custody housing unit than inmates also pending assessment who were previously subject to admission procedures for their current incarceration.

F. Consistent with their protective custody status, inmates in protective custody shall be kept separate at all times from all other inmates not assigned to protective custody, including, but not limited to:

1. Escorts to and from housing areas;
2. Attendance at program or service locations within the facility;
3. Movement outside the facility;
4. Transportation; and
5. Court production and hospital runs.

G. The commanding officer in the sending facility shall ensure that both OSIU and the commanding officer of the receiving facility are notified whenever protective custody inmates are designated for transfer out of the protective custody housing unit for disciplinary, mental health, medical or other reasons.

H. Staff assigned to supervise, escort, and transport protective custody inmates must be continually vigilant of both the protective custody inmates' actions and the actions of other inmates who may gain access to areas in which staff is escorting or transporting protective custody inmates.

1. Admission Procedures to Protective Custody Housing Units

a. Facility intake officers or, for intra-facility transfers facility housing unit officers, must question inmates being placed in temporary and protective custody housing units regarding their pedigree and search them (through the use of a strip search, magnetometer, and hand-held transfrisker), as delineated in Directive 4508R-E - Control of and Search for Contraband.

b. Facility intake officers or, for intra-facility transfers, facility housing unit officers, must search the property of inmates being placed in temporary and protective custody housing units; the inmate shall be permitted to retain the same type and amount of property allowed for general population inmates.

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2. Privileges, Programs and Services

The deputy warden for programs shall ensure that protective custody inmates and those pending completion of the two business-day assessment, receive mandated services and programs consistent with general population services and programs. Where practicable and unless OSIU authorizes otherwise, protective custody inmates should receive these services and programs in a congregate setting unless the inmate's classification score is high. Protective custody inmates shall be provided:

a. Clothing, bedding supplies, and laundry exchange. Protective custody inmates shall be provided weekly laundry services for their personal clothing;

b. The same menu and meals available to general population inmates;

c. Opportunities for correspondence;

d. Access to law library services;

e. Telephone privileges.

Inmates in protective custody are entitled to the same number of telephone calls as General Population inmates;

f. Access to the New York City Department of Education (DOE) services.

Inmates who are eligible to participate in educational services provided by the Department of Education must not be denied such access on the basis of their protective 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 a minimum of one hour of outside recreation on a daily basis;

h. The opportunity to shower and shave with the same frequency as general population inmates;

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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;

i. Access to medical/mental health services (see Directive 4018R - entitled, Referral of Inmates to Mental Health Services);

j. Visits at the same times and frequency as those inmates in general population. However, protective 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. Access to commissary goods.

Facility staff will deliver such goods (through a bagging operation) to protective custody inmates in their housing unit; and

n. Religious and pastoral counseling services.

VI. REFERENCES*

A. Directive #1251R, entitled INMATE PERSONAL LAUNDRY, dated 10/21/97.

B. Directive #2007R-B, entitled INMATE VISIT PROCEDURES, dated 09/29/08.

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 #4001R-B, entitled INMATE CORRESPONDENCE, dated 03/16/09.

G. Directive #4018R, entitled REFERRAL OF INMATES TO HEALTH SERVICES, dated 04/08/99 (as amended).

H. Directive #4100R-B, entitled CLASSIFICATION, dated 01/19/07 (as amended).

	EFFECTIVE DATE 05/24/10	SUBJECT PROTECTIVE CUSTODY	
	CLASSIFICATION # 6007		
	DISTRIBUTION A	APPROVED FOR WEB POSTING [X] YES [ ] NO	PAGE 17 OF 17 PAGES

VI. REFERENCES (cont.)

I. Directive #4508R-E, entitled CONTROL OF AND SEARCH FOR CONTRABAND, dated 05/15/09.

J. Operations Order #05/92, entitled PROCESSING AND MONITORING INTER-FACILITY TRANSFERS, dated 02/28/92 (as amended).

K. NYS Correction Law §500-b (7)

* In the event that a reference is superseded, the successor document shall apply.

VII. ATTACHMENTS

A. Form #6007A, Initial Placement into Protective Custody Housing Form.

B. Form #6007B, Protective Custody/General Population Escort Determination Form.

C. Form #6007C, Notice of Hearing Protective Custody Housing Form.

D. Form #6007D, Notice of Protective Custody Housing Disposition Form.

E. Form #6007E, Inmate Information For 30-day/60-day Protective Custody Status Review Form.

F. Form #6007F, Protective Custody Notice of New Evidence/Hearing Form.

VIII. SUPERSEDES

A. Directive #6006R-D entitled, CLOSE CUSTODY HOUSING, dated 05/28/09.

B. Memorandum #01/07, entitled VULNERABLE INMATES, dated 01/19/07.

C. Any departmental order or teletype or section of departmental order or teletype that conflicts with this directive.

ATTACHMENT - A

CORRECTION DEPARTMENT
CITY OF NEW YORK

INITIAL PLACEMENT INTO PROTECTIVE CUSTODY HOUSING FORM

Form: 6007A
Eff. : 05/24/10
Ref. : Dir. # 6007

SECTION A - TO BE COMPLETED BY STAFF MEMBER

Facility: | Housing Area:

Please Indicate the Category of Placement: **PROTECTIVE CUSTODY** ☐

Inmate Name (Last, First): | B&C/Sentence #: | NYSID #:

Results of Inmate Interview:

Prepared By: _____ _____ _____ _____ _____
Print Name | Rank/Title | Shield/ID | Date | Time

Supervisor Notified: _____ _____ _____ _____
Print Name | Shield | Date | Time

SECTION B - TO BE COMPLETED BY CAPTAIN

Reason for Placement/Evidence Relied Upon:

Prepared By: _____ _____ _____ _____ _____
Print Name | Rank/Title | Shield/ID | Date | Time

Signature: _____

SECTION C - TO BE COMPLETED BY TOUR COMMANDER

OSIU contacted: ☐ Yes ☐ No

Initial placement authorized by OSIU?: ☐ Yes ☐ No PC# _____

Transfer effected: ☐ Yes ☐ No Transfer to: Facility _____ Housing area _____

If no, state reason:

Prepared By: _____ _____ _____ _____ _____
Print Name | Rank/Title | Shield/ID | Date | Time

Signature: _____

Distribution: Original - Inmate's Legal Folder One (1) Copy - Facility File One (1) Copy - Supervising Warden of Population Managment or Designee (OSIU)

ATTACHMENT - B

CORRECTION DEPARTMENT
CITY OF NEW YORK

PROTECTIVE CUSTODY / GENERAL POPULATION ESCORT DETERMINATION FORM

Form: 6007B
Eff. : 05/24/10
Ref. : Dir. # 6007

SECTION A - INMATE INFORMATION

Inmate Name (Last, First):	PC #:
B&C/Sentence #:	NYSID #:

Present housing Status:

PROTECTIVE CUSTODY ☐ GENERAL POPULATION ESCORT ☐

VOLUNTARY ☐ INVOLUNTARY ☐

SECTION B - INMATE INTERVIEWED ☐ Yes ☐ No (If yes, state the findings)

Signature	Print Name	Rank	Shield #	Date

SECTION C - SUPERVISING WARDEN OF POPULATION MANAGEMENT OR DESIGNEE (OSIU)

☐ CONTINUE DESIGNATION ☐ DISCONTINUE DESIGNATION

☐ GENERAL POPULATION ESCORT ☐ OTHER

Basis for Decision:

Signature	Print Name	Rank	Shield #	Date

Distribution: Original - Inmate's Legal Folder
Copy - Adjudication Captain
Copy - Supervising Warden of Population Management or Designee (OSIU)

ATTACHMENT - C

CORRECTION DEPARTMENT
CITY OF NEW YORK

NOTICE OF HEARING
PROTECTIVE CUSTODY HOUSING FORM

Form: 6007C
Eff. : 05/24/10
Ref. : Dir. # 6007

SECTION A - INMATE INFORMATION

Inmate Name (Last, First):	PC #:
B&C/Sentence #:	NYSID #:

Present PC housing status: **VOLUNTARY** ☐ **INVOLUNTARY** ☐

Reason for designation/evidence relied upon:

_____

_____

_____

_____

Prepared By: _____ _____ _____ _____ _____

Print Name | Rank | Shield # | Signature | Date

Reviewed By Tour Commander:

_____ _____ _____ _____ _____

Print Name | Rank | Shield # | Signature | Date

SECTION B - SERVICE OF NOTICE

You are being placed in protective custody housing for your safety and the security of the Department of Correction. You may request a hearing to challenge your placement conducted by an adjudication captain within three business days from the time you are served with this notice. You will be given 24 hours to prepare for this hearing before it is held, unless you waive this preparatory time period. If you continue to be assigned to protective custody, the Department will review your status within 30 days and then every 60 days thereafter and determine whether to continue your assignment to protective custody.

The hearing shall be conducted as follows:

1. You may appear at the hearing;
2. You shall be informed of the evidence relied upon that resulted in your protective custody placement;
3. You may make a statement;
4. You may call witnesses, within the adjudication captain's discretion;
5. You may present evidence;
6. You shall receive a written, reasoned determination;
7. You may request and may receive the assistance of a hearing facilitator if the adjudication captain deems one is necessary; and
8. You shall be provided with an interpreter if you cannot communicate well enough in English.

You will receive a written notice of the decision with one business day from the date the decision is rendered.

Inmate Statement:

_____

_____

_____

_____

_____

_____

_____

I certify that I received a copy of this notice.

_____ _____ _____

Signature of Inmate | Date | Time

I agree to be assigned to protective custody housing and waive the right to a due process hearing.

_____ _____ _____

Signature of Inmate | Date | Time

Served By: _____ _____ _____ _____

Print Name | Rank | Shield # | Signature

Distribution: **Original - Inmate's Legal Folder**
Copy - Adjudication Captain
Copy - Inmate
Copy - Facility File
Copy - Supervising Warden of Population Management or Designee (OSIU)

ATTACHMENT - D

CORRECTION DEPARTMENT
CITY OF NEW YORK

NOTICE OF PROTECTIVE CUSTODY HOUSING DISPOSITION FORM

Form: 6007D
Eff. : 05/24/10
Ref. : Dir. # 6007

SECTION A - INMATE INFORMATION

Inmate Name (Last, First):		PC #:
Facility:	B&C/Sentence #:	NYSID #:

SECTION B - TYPE OF HOUSING/REVIEW

PROTECTIVE CUSTODY ☐ INITIAL REVIEW ☐ 60-DAY REVIEW ☐ 30-DAY REVIEW ☐ NEW EVIDENCE ☐

SECTION C - HEARING DATA

Date of Hearing _____ Time of Hearing _____

Evidence Relied Upon: _____

Hearing Officer: _____ (Print Name) _____ (Signature) _____ (Rank) _____ (Shield #)

Tape Data (Tape #):	Counter # at Start:	Counter # at End:

Inmate Requested Hearing Facilitator Assistance: ☐ Yes ☐ No ☐ Waived ☐ Denied (If yes, Hearing Facilitator must sign. If waived, inmate must sign. If denied, state reason.)

Inmate Requested Interpreter: ☐ Yes ☐ No ☐ Waived ☐ Denied (If yes, the Interpreter must sign. If waived, inmate must sign. If denied, state reason.)

Hearing in Absentia: ☐ Inmate Refused to Appear ☐ Removed from Hearing Due to _____ (Specify Response)

Adjournment: ☐ By Adjudication Captain Date Reconvened ____/____/____

☐ By Inmate Waived Time Limits to Facilitate Adjournment (Inmate Signature) _____

Inmate Statement: _____

SECTION D - RECOMMENDATION BY ADJUDICATION CAPTAIN

On this date the following recommendation was reached after a hearing on your housing designation:

☐ **CONTINUE DESIGNATION** ☐ **DISCONTINUE DESIGNATION** _____ (Date) _____ (Time)

Basis for Decision: _____

Adjudication Captain (Print Name): _____ Signature: _____

SECTION E - SUPERVISING WARDEN OF POPULATION MANAGEMENT OR DESIGNEE (OSIU)

Supervising Warden or Designee (OSIU) Determination: _____

_____ (Print Name) _____ (Signature) _____ (Date)

I certify that I received a copy of this notice.

_____ (Signature of Inmate) _____ (Book & Case #) _____ (Date) _____ (Time)

Served By: _____ (Print Name) _____ (Rank) _____ (Shield #) _____ (Signature)

Distribution: Original - Inmate's Legal Folder
Copy - Supervising Warden of Population Management or Designee (OSIU)
Copy - Adjudication Captain
Copy - Inmate
Copy - Facility File

ATTACHMENT - E

CORRECTION DEPARTMENT
CITY OF NEW YORK

INMATE INFORMATION FOR 30-DAY/60-DAY PROTECTIVE CUSTODY STATUS REVIEW FORM

Form: 6007E
Eff. : 05/24/10
Ref. : Dir. # 6007

SECTION A - INMATE INFORMATION (TO BE COMPLETED BY OSIU)

Inmate Name (Last, First):		PC #:
Facility:	B&C/Sentence #:	NYSID #:
Housing Area:		Date:

Placement: **VOLUNTARY** ☐ **INVOLUNTARY** ☐

SECTION B - INMATE'S REQUEST (TO BE COMPLETED BY INMATE)

☐ **I hereby request removal from protective custody housing.**

Reason(s) for my request:

_____

_____

_____

_____

_____

_____

- or -

☐ **I hereby request to remain in protective custody housing.**

Reason(s) for my request:

_____

_____

_____

_____

_____

_____

_____	_____	_____
Inmate's Signature	Book & Case #	Date

SECTION C - REFUSAL TO COMPLETE FORM (TO BE COMPLETED BY FACILITY STAFF)

Check if applicable: ☐ **Inmate refused to complete form.**

_____	_____	_____	_____	_____
Name (Signature)	Name (Print)	Rank	Shield	Date

SECTION D - ACKNOWLEDGEMENT OF RECEIPT OF COMPLETED FORM FROM INMATE (TO BE COMPLETED BY FACILITY STAFF)

_____	_____	_____	_____	_____
Name (Signature)	Name (Print)	Rank	Shield	Date

Distribution: **Original - Inmate Legal Folder**
Copy - Deputy Chief of Department or Designee
Copy - Facility File

ATTACHMENT - F

CORRECTION DEPARTMENT
CITY OF NEW YORK

PROTECTIVE CUSTODY NOTICE OF NEW EVIDENCE / HEARING FORM

Form: 6007F
Eff. : 05/24/10
Ref. : Dir. # 6007

SECTION A - INMATE INFORMATION

Inmate Name (Last, First):	PC #:
B&C/Sentence #:	NYSID #:

Present PC housing status: **VOLUNTARY** ☐ **INVOLUNTARY** ☐

Reason for placement and new evidence relied upon:

Prepared By:

Print Name	Rank	Shield #	Signature	Date

Reviewed By Tour Commander:

Print Name	Rank	Shield #	Signature	Date

SECTION B - SERVICE OF NOTICE

Your assignment to protective custody housing is being continued for your safety and the security of the Department of Correction based on new evidence. You may request a hearing to challenge your placement conducted by an adjudication captain within three business days from the time you are served with this notice. You will be given 24 hours to prepare for this hearing before it is held, unless you waive this preparatory time period. If at the conclusion of the review and the hearing it is determined that continued assignment in protective custody is necessary, you will remain in protective custody housing. If you continue to be assigned to protective custody, the Department will review your status every 60 days and determine whether to continue your assignment to protective custody.

The hearing will be conducted as follows:

1. You may appear at the hearing;
2. You shall be informed of the new evidence relied upon in continuing your protective custody placement;
3. You may make a statement;
4. You may call witnesses, within the adjudication captain's discretion;
5. You may present evidence;
6. You shall receive a written, reasoned determination;
7. You may request and may receive the assistance of a hearing facilitator if the adjudication captain deems one is necessary; and
8. You shall be provided with an interpreter if you cannot communicate well enough in English.

You will receive a written notice of the decision within one business day from the date the decision is rendered.

Inmate Statement:

I certify that I received a copy of this notice.

Signature of Inmate	Date	Time

I agree to be assigned to protective custody housing and waive the right to a due process hearing.

Signature of Inmate	Date	Time

Served By:

Print Name	Rank	Shield #	Signature

Distribution: **Original - Inmate's Legal Folder**
Copy - Adjudication Captain
Copy - Inmate
Copy - Facility File
Copy - Supervising Warden of Population Management or Designee (OSIU)