



THE CITY OF NEW YORK  
DEPARTMENT OF CORRECTION



**MEMORANDUM**

<input checked="" type="checkbox"/> NEW		<input type="checkbox"/> REVISED	SUBJECT
EFFECTIVE DATE <b>01/19/07</b>	NUMBER <b>01/07</b>	PAGE 1 OF 2 PAGES	<b>VULNERABLE INMATES</b>

TO : ALL STAFF

FROM : MARTIN F. HORN, COMMISSIONER

The attached revisions primarily codify changes that the Department of Correction (DOC) has already implemented regarding the way vulnerable inmates are identified and housed. These revised procedures create a range of options for inmates who may possibly require additional protection. In general, the Department wants to address the safety needs of the inmate in the least restrictive way possible.

It is the Department's goal to maximize the number of inmates confined in general population. This is achieved through appropriate classification, separating out inmates who pose a threat to other inmates, and placing inmates where appropriate in areas which afford better opportunities for supervision such as cell housing, areas with extra officers or areas that are smaller in size. DOC can further utilize tools such as separation orders, or movement within general population of the facility, or transfer to another facility, to maintain inmates safely in 'regular' general population. But where DOC, or the inmate, or court, thinks inmates cannot be housed safely in general population, DOC has other tools.

The 'next step up,' reflected in these revisions, is general population escort (GPE) housing. GPE is still technically general population, not special housing. It can be cells or dorms, and the inmates receive all the rights and services of general population inmates; however they are housed with similarly vulnerable, and similarly classified, inmates, and are escorted whenever they leave the housing area.

New inmates may be assigned to GPE only after review by the Chief of Facility Operations and a determination that the inmate is vulnerable in general population but doesn't require close custody/protective custody housing. During the evaluation period of up to 2 business days, the inmate is housed in close custody/protective custody housing (see below).

Close custody/protective custody (CC/PC) housing is the most restrictive option DOC has for vulnerable inmates. These revisions clarify that it is used as a first stop for inmates who staff or themselves have identified as possibly being unsafe in general population. (Note: this includes inmates who have so-called protective custody orders). Within 2 business days the Chief of Facility Operations will determine what level of housing is appropriate. As before, if the decision is made to keep an inmate in CC/PC, it is because the threat is so general, the danger so broad, that DOC believes the inmate would be vulnerable in general population or GPE. It is a last resort, and the measure of our success will be how sparingly the Department uses it.

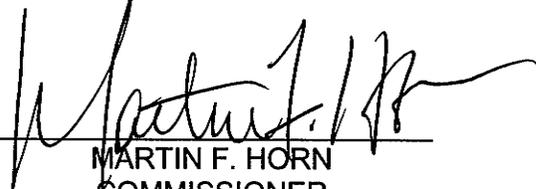
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In CC/PC, inmates are housed in cells and kept separate from one another. The inmates are afforded all services but individually, often in their cells. Inmates receive one hour of recreation and also dayroom time. It must be emphasized that CC/PC is not punitive. The inmates are being separated for their own protection. That's why, wherever possible, inmates are given out of cell time. Inmates can be brought to the dayroom singly as much as possible.

As before, if the determination is made that an inmate must remain in CC/PC, but does not consent, they must be given a due process hearing. All inmates, voluntary or involuntary, are reviewed every 28 days to determine if continued CC/PC housing is necessary,

To review the process established by these revisions, if an inmate has safety needs that cannot be addressed through separation orders or transfers within 'regular' general population, they must be transferred to close custody/protective custody housing for an initial review period of 2 business days. A determination is then made by the Chief of Facility Operations as to the least restrictive housing that will meet their safety needs. The inmate may be moved to general population, general population escort, or retained in close custody/protective custody either voluntarily, or involuntarily after a hearing.

It is essential to the success of this approach that inmates and staff understand that a range of options is available for vulnerable inmates, and that CC/PC is NOT the only option for those who request protection. In fact the vast majority of inmates who pass through CC/PC for review will be moved to general population or GPE, and only a very small number (at this time less than 30) will be retained in CC/PC, generally with their consent.


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 MARTIN F. HORN  
 COMMISSIONER

Attachments:

Directive #4020R-A, Department Definitions of Inmate Categories, dated 01/19/07.

Directive # 4100R-B, Classification, dated 01/19/07.

Directive #6006R-B, Close Custody Housing, dated 01/19/07.

Operations Order #02/07, Department Definitions of Housing Categories, dated 01/19/07.