


		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 12/18/20		*TERMINATION DATE / /				
CLASSIFICATION # 4012R-C	SUPERSEDES 4012R-B	DATED 7/16/03	APPROVED FOR WEB POSTING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	DISTRIBUTION A	PAGE 1 OF 11 PAGES	
RECOMMENDED FOR APPROVAL BY REVIEW BOARD MEMBER			AUTHORIZED BY THE COMMISSIONER			
 HAZEL JENNINGS, CHIEF OF DEPARTMENT SIGNATURE			 CYNTHIA BRANN SIGNATURE			

I. PURPOSE

The purpose of this Directive is to establish policy and procedures for dealing with incarcerated individuals and the personal events that affect them and their families while they are under the jurisdiction of the Department of Correction.



II. POLICY

- A. It shall be the policy of this Department to allow a person in custody, upon request and proper verification to attend significant family events, except where such attendance presents a reasonable likelihood of escape, serious danger of bodily harm, or a risk to public safety.
- B. Person in custody attending significant family events shall do so in civilian clothes. While at these events, incarcerated individual shall not be permitted to accept money, clothing, jewelry or any other items. **If the incarcerated individual has no suitable clothing at the facility, the incarcerated individual shall be permitted to make arrangements to receive such clothing prior to the visit.**
- C. For the purpose of this Directive, there are three (3) categories of significant family events: death, serious illness, and marriage. The Department's policy for each is as follows:

1. Death

An incarcerated individual shall be permitted to attend the wake or the funeral of deceased parents, parents-in-law, grandparents, brothers, sisters, ancestral aunt, ancestral uncle, guardian, and former guardians, children, grandchildren, children-in-law, spouses, including domestic partnerships if proof of relationship can be supplied, at the discretion of the Chief of Department, or his/her designee. **Such visits shall be permitted only within New York State and any request for such visit beyond the confines of New York State shall be denied.**

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II. POLICY (Cont.)

A funeral visit shall include the wake, the church or other appropriate memorial service held at the gravesite or any other location, and the interment of the deceased individual. The Chief of Department, or his/her designee, shall consider a person in custody's preference between attending the wake or the funeral but reserves the right to make a final decision, provided that the decision is not an arbitrary one and is based on legitimate security concerns. Under no circumstances shall a person in custody attend both the wake and funeral of the deceased person.

2. Serious Illness

A person in custody shall be permitted to visit once with any of the individuals listed in Section II. C. 1. in a hospital or similar institution when there exists a substantial likelihood of death as a result of an illness or accident, and if no medical reason is stated objecting to the visit. At the discretion of the Chief of Department or designee, a second visit may be authorized in extenuating circumstances. **Such visits shall be permitted only within New York State and any request for such visit beyond the confines of New York State shall be denied.**

3. Marriage

A person in custody shall be allowed to marry while he or she is incarcerated provided that there are no legal impediments to such marriage. Incarcerated individual may be allowed to marry other individuals in custody.



III. PROCEDURE

A. Death/Serious Illness

1. Initial Preparation

- a. Upon receiving a request from or for a person in custody to attend a wake, funeral or to visit a seriously ill relative or significant other, the facility's Counseling Unit (CU) shall immediately complete Form 4012R-A, entitled **"Death Notice or Seriously Ill Visit"**. It should be specifically noted on the form whether the incarcerated individual wishes to attend the wake or the funeral.
- b. It shall be the responsibility of the incarcerated individual and/or the incarcerated individual's family/significant other or the court that is

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III. PROCEDURE (Cont.)



preparing the orders to provide or submit the following information to the Department:

- i. Name of person who is ill or deceased;
 - ii. Relationship to incarcerated individual and verification of same (birth certificate, visit records, etc.);
 - iii. **That the incarcerated individual agrees to have such a visit, if the request was initiated by another person;**
 - iv. Verification of and cause of death or imminent death;
 - v. Date, time, address and telephone number of said wake or funeral; and
 - vi. Scheduled times of said services.
- c. If the family is unable to submit proof of relationship to the incarcerated individual's facility, they may take said proof to any borough facility General Office. The General Office will verify the authenticity of the documents and then call the CU of the incarcerated individual's facility to let them know they **will be forwarding the documents via email to "counselingserviceunit@doc.nyc.gov". In the event that email is inaccessible, documents may be faxed.**

NOTE: ONLY EMAILED / FAXED DOCUMENTS ORIGINATING FROM BOROUGH FACILITIES WILL BE ACCEPTABLE. VERBAL VERIFICATION IS UNACCEPTABLE.

- d. During business hours, the Deputy Warden for Programs or a designee of similar rank shall, after a thorough review of all documents, render a decision as to whether to approve or disapprove requests received for incarcerated individuals to attend a wake, funeral or to visit a seriously ill relative.
- e. Requests received during non-business hours, weekends or holidays shall be completed by the facility's Tour Commander. The Tour Commander shall thoroughly review the documents and render a determination as to whether to approve or disapprove the request. All determinations will be made in a timely manner. **All approved requests shall be denoted on**

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Form 4012R-A and shall be immediately forwarded to the Tour Commander of the Transportation Division by emailing “DL – Transportation Tour Commanders”, the Assigned Chief of Security by emailing “DL – Chief of Security” and, the Assigned Chief of the Criminal Justice Bureau by emailing “DL – Criminal Justice Bureau”. The assigned Chief of Security and the assigned Chief of the Criminal Justice Bureau shall review Form 4012R-A and ensure that no additional security measures are required.

- f. The determination on the approval or denial of the request shall be made as soon as possible given the immediate circumstances of the funeral or deathbed visit.
- g. After such determination has been made, the incarcerated individual and/or other person requesting the visit shall be immediately informed of the decision. The individual making the determination shall complete Form 4012R-B entitled “Significant Family Event Determination Notice” and immediately return the package to the facility’s Deputy Warden for Programs, his/her designee, or the Tour Commander.
- h. All approved requests shall be immediately forwarded to the Tour Commander of the Transportation Division by **emailing Form 4012R-A and Form 4012R-B**. In the event that email is inaccessible, documents may be faxed. Form 4012R-A shall no longer be forwarded to the Central Operations Desk.
- i. In the event that a request is denied, the Deputy Warden for Programs or his/her designee shall immediately instruct a member of the uniformed staff to deliver a copy of the Determination Notice and Form 4012R-C entitled “Request for Appeal of Significant Family Event Denial” to the incarcerated individual and inform the individual of such denial.
- j. If the incarcerated individual who received the denial wishes to appeal the decision, the incarcerated individual shall be given the opportunity to respond to the Warden or their designee concerning the determination within twenty-four (24) hours by completing Form 4012R-C and submitting it to the facility Warden or his/her designee within forty-eight (48) hours of notification of the initial denial.



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- k. Upon receipt of the appeal, the facility Warden or his/her designee shall initial and timestamp the document.
 - l. Incarcerated individual who submit a form for appeal may submit any information and/or material to the facility Warden or his/her designee for consideration in the final determination.
 - m. The facility Warden or his/her designee shall provide the final determination within twenty-four (24) hours of receipt of the request for appeal. After such determination has been made, the incarcerated individual and/or other person requesting the visit shall be immediately informed of the decision. The staff member making the determination shall complete Form 4012R-D entitled "Notice of Appeal Determination" and immediately return the package to the facility's Deputy Warden for Programs, his/her designee, or the Tour Commander.
 - n. All approved requests shall be immediately forwarded to the Tour Commander of the Transportation Division by emailing Form 4012R-A and Form 4012R-D to "DL – Transportation Tour Commanders". In the event that email is inaccessible, documents may be faxed.
 - o. At the discretion of the Warden or his/her designee, an incarcerated individual may be permitted to visit the deathbed of and to attend the funeral or wake of those persons with whom they are authorized to visit listed in Section II.C.1. of this Directive.
 - p. A copy of all documents related to all requests processed according to preceding paragraphs d. through m. shall be forwarded to the facility's CU the following business morning by emailing the Associate Counselor at "counselingserviceunit@doc.nyc.gov". In the event that email is inaccessible, documents may be faxed.
 - q. When the facility wishes to confirm the existence of an event that is the subject of an incarcerated individual's request it may do so by any means, providing that such method used is as minimally intrusive as possible and is considerate of the privacy and feelings of the incarcerated individual and their family.
2. Guidelines



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III. PROCEDURE (Cont.)

- a. The Office of the Chief of Department and the Commanding Officer of the Transportation Division, or a designee, shall resolve the necessary and required security precautions, considering any response or inquiry from the Commissioner, when it is decided that the request can be accommodated. The Office of the Chief of Department or a designee shall then advise the Commanding Officer of the Transportation Division, or a designee, of the security decisions and any special arrangements.
- b. Whenever it is necessary for an incarcerated individual to attend a wake, funeral or a hospital visit, a minimum of three (3) Correction Officers must escort the incarcerated individual **and a minimum of one (1) Correction Officer must be of the same gender as the incarcerated individual. If the incarcerated individual identifies as transgender, intersex, gender non-binary, or gender non-conforming, a minimum of one (1) Correction Officer must be male and a minimum of one (1) Correction Officer must be female. The incarcerated individual shall be under constant supervision at all times during his/her transport to and from, as well as, during their attendance at the funeral, wake, or deathbed visit.** The Commanding Officer of the Transportation Division, or a designee, shall evaluate each instance on a case by case basis. **If the circumstances pertaining to a particular incarcerated individual or case indicate that additional officers and/or a supervisor should be assigned, then additional resources shall be provided. In any event, the respective facility,** Commanding Officer and the Office of the Chief of Department shall be notified of this decision.
- c. **Incarcerated individuals participating in a wake, funeral or seriously ill visit shall be given the opportunity to eat during regularly scheduled meal times.**
- d. **Lavatory stops shall be made only as the need arises and as security permits. Whenever possible, such stops shall be made at law enforcement facilities. If it is not possible to utilize a law enforcement facility for lavatory stops, every attempt shall be made to utilize facilities with as little public presence and/or access as possible.**
- e. **If a funeral, wake or seriously ill visit requires an individual's absence from a facility overnight, the individual shall be housed in a local correctional facility. If the local correctional facility becomes unfit or unsafe for confinement for some or all incarcerated individuals due**

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III. PROCEDURE (Cont.)

to an individual disturbance or other extraordinary circumstance, the individual shall be housed in another suitable place designated by the SCOC and DOCCS pursuant to Correction law, section 504.

- f. **While transporting the incarcerated individual to a wake, funeral or a hospital visit, handcuffs shall be used, however the individual shall not be handcuffed during attendance at these events, except when based upon the particular circumstances, a specific determination has been made, that security precautions require that the incarcerated individual be handcuffed.**
- g. **If a reportable incident occurs while an incarcerated individual is absent from the facility to attend a funeral, wake, or seriously ill visit, facility staff shall report such incident as outlined in Directive 5000R-A, "Reporting Unusual Incidents".**
- h. **The officer assigned and the vehicle used to transport the incarcerated individual shall be decided on a case by case basis. Also, the number and kind of firearms and/or weapons to be carried by the escorts shall be decided on a case by case basis and shall be supplied by the Transportation Division.**
- i. **The amount of time an incarcerated individual shall be allowed to spend in attendance at the wake, funeral or hospital visit, shall be of reasonable duration of not less than one (1) hour, except in the case of serious illness, where the length of the visit may be limited by the treating physician or the rules of the hospital. The visit shall be subjected to standard departmental security precautions, and every effort shall be made to be as minimally intrusive as possible.**
- j. If an incarcerated individual is to attend either the wake, funeral, or a hospital visit, the available viewing or visiting hours shall be determined, and on that basis, a decision shall be made as to when the individual shall be delivered to the location. The Department shall have the right to maintain complete security and safety precautions when delivering the incarcerated individual to the visiting site. The type of security and safety precautions shall be decided by taking into consideration the particular individual.



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- k. A hospital visit shall be made only after appropriate notification has been made to the hospital security division by the Transportation Division, unless it is determined that such notification would be a breach of security.
- l. Every reasonable effort must be made by the facility to determine if there is any valid medical reason why the hospital visit should not be granted. Such information shall be immediately reported to the Chief of Department or designee.
- m. The Department reserves the right to deny an incarcerated individual a visit with a seriously ill family member or relative, in or at a location other than a hospital, when it has been determined that a particular individual's attendance presents a reasonable likelihood that the proper security precautions or safety precautions cannot be maintained at said other location.
- n. Whenever an incarcerated individual requests attendance at any of the events covered by Section II. C. 1., 2. or 3 or the Department is ordered by a court of competent jurisdiction to produce an incarcerated individual at any event covered under Section II. C. 1., 2. or 3 the Department shall be allowed a reasonable amount of time, not to exceed forty-eight (48) hours, in order to arrange attendance at any of these events.
- o. Unless the Chief of Department, or a designee, has determined that the individual's attendance at a particular event presents a reasonable likelihood of escape or serious danger of bodily harm, the incarcerated individual shall be produced at that event. The Department shall make every effort to provide security and safety precautions for the transportation of an individual to an event as quickly as possible when it is apparent that the event will occur before forty-eight (48) hours. If the request or order is made on twenty-four (24) hours notice, the Department shall make every effort to complete security and safety precautions and deliver the incarcerated individual to the event unless, despite every effort to do so, it is impossible to make the appropriate arrangements.
- p. Any deviation from the policy and procedures set forth in this directive, for the purpose of delivering an incarcerated individual to any of the abovementioned events, shall be approved in writing by the Commissioner or the Chief of Department, or their designees.

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- q. **All Commanding Officers or their respective designee shall ensure all Death Notice or Seriously Ill Visit requests, processes and corresponding paperwork are completed in their entirety regardless of the anticipated outcome.**
- r. **All Commanding Officers or their designee shall ensure all Death Notice or Seriously Ill Visit requests paperwork is fully processed, filed and retained for each request as required, as well as being readily accessible for inspection upon request.**

B. Marriage

1. Guidelines for Marriage
 - a. **On-duty Department staff shall not participate in, or assist in, any marriage ceremony.**
 - b. **Department chaplains, religious services providers, and program volunteers shall not serve as witnesses and are prohibited from participating.**
 - c. **A person in custody must submit a written request to marry to the CU and complete the form 4012R-E entitled "Intent to Marry Form". CU will forward the request to the Deputy Warden for Programs.**
 - d. Upon the Deputy Warden for Programs' written approval, the completed request or court order for marriage shall be returned to the Counseling Unit who shall arrange a date and time when both the incarcerated individual and the intended spouse can sign the marriage license at the housing facility in the presence of the clerk from the License Bureau.
 - e. The marriage license fee and any other expenses incurred for the preparation and/or solemnization of the marriage shall be the responsibility of the incarcerated individual and/or the intended spouse.
 - f. The wedding ceremony/service shall be performed in the Institutional Chapel and conducted by any person of the couple's choice qualified to perform marriages in the State of New York, except for Department

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chaplains, religious services providers, and program volunteers, or any on duty Department staff.



- g. The ceremony shall be limited to the incarcerated individual and the intended spouse, the person officiating the ceremony and **one (1) witness** chosen by the incarcerated individual and the intended spouse. The number of Departmental personnel to be present and the security and safety precautions to be taken will be decided on a case-by-case basis.
- a. The Deputy Warden for Programs shall be responsible for providing security clearance for the intended spouse, witness and officiant, if necessary.
- b. The institution shall determine, consistent with its operation and schedule, the time of day the ceremony or service will take place.

IV. ATTACHMENTS

- A. **Form 4012R-A, "Death Notice or Seriously Ill Visit", dated 12/9/20;**
- B. **Form 4012R-B, "Significant Family Event Determination Notice", dated 12/9/20;**
- C. **Form 4012R-C, "Request for Appeal of Significant Family Event Denial", dated 12/9/20;**
- D. **Form 4012R-D, "Notice of Appeal Determination", dated 12/9/20;**
- E. **Form 4012R-E "Intent to Marry Form", dated 12/9/20.**

V. REFERENCES

- A. **Directive 5000R-A, "Reporting Unusual Incidents," dated 11/19/04.**

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VI. SUPERSEDES

- A. Directive 4012R-B, "Significant Family Events," dated 7/16/03; and
- B. Any other Departmental order that may be in conflict.