

Section 301.4. Administrative segregation admissions, 7 NY ADC 301.4

Compilation of Codes, Rules and Regulations of the State of New York Currentness

Title 7. Department of Corrections and Community Supervision

Chapter VI. Special Housing Units

Part 301. Special Housing Unit Admissions (Refs & Annos)

7 NYCRR 301.4

Section 301.4. Administrative segregation admissions

(a) This section applies to inmates assigned involuntarily to SHU after a hearing conducted pursuant to Part 254 of this Title, that results in a hearing disposition which sets forth specific reasons why administrative segregation is warranted. The hearing shall be conducted within 14 days of an inmate's admission to administrative segregation, after issuance of an administrative segregation recommendation made by the employee who ascertained the facts or circumstances.

(b) Administrative segregation admission results from a determination by the facility that the inmates' presence in general population would pose a threat to the safety and security of the facility.

(c) When housed in SHU, administrative segregation inmates will be subject to the same rules and regulations as those disciplinary inmates who have completed 30 days of satisfactory adjustment.

(d) An inmate in administrative segregation status shall have such status reviewed every 60 days in accordance with the following procedure:

(1) A three-member committee consisting of a representative of the facility executive staff, a security supervisor, and a member of the guidance and counseling staff shall examine the inmate's institutional record and prepare and submit to the superintendent or designee a report setting forth the following:

(i) reasons why the inmate was initially determined to be appropriate for administrative segregation;

(ii) information on the inmate's subsequent behavior and attitude; and

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(iii) any other factors that they believe may favor retaining the inmate in or releasing the inmate from administrative segregation.

(2) Upon receipt of the report and any written statement received from the inmate, the superintendent shall, except where the superintendent or designee refers the matter to central office pursuant to paragraph (3) of this subdivision, make a determination to retain the inmate in or release the inmate from administrative segregation.

(3) Where the deputy commissioner for correctional facilities has notified the superintendent that an inmate in administrative segregation is to receive central office review, the superintendent or designee shall as part of every 60-day review thereafter, refer the committee report, and any written statement received from the inmate, to a three-member central office committee consisting of a representative from the office of facility operations, a member of the department's inspector general's staff, and an attorney from the office of counsel. The central office committee shall then complete its review and forward the paperwork along with its recommendation to the deputy commissioner for correctional facilities. Upon receipt of the materials from the central office committee, including any written statement received from the inmate, the deputy commissioner shall make the determination to retain the inmate in or release the inmate from administrative segregation.

(4) As part of every 60-day review, whenever a determination is made to continue the inmate in administrative segregation, the superintendent or, as applicable, the deputy commissioner for correctional facilities, shall provide a notice to the inmate that states the reason(s) for the determination and includes the following statement:

“A determination has been made to continue your administrative segregation status for the reason(s) stated in this notice. Prior to your next 60-day review, you may write to the superintendent or designee to make a statement regarding the need for continued administrative segregation. The reason(s) stated in this notice, any written statement that you submit, as well as your overall custodial adjustment will be considered during the next scheduled review.”

(e) At any time when deemed appropriate, an inmate may be evaluated and recommended for return to general population at the current facility or transferred to another facility where it is determined the inmate may be programmed into general population. Nothing in this subdivision shall be construed to terminate the administrative segregation status of an inmate who is subject to central office review in accordance with paragraph (d)(3) of this section upon the inmate's transfer to another facility, absent written authorization from the deputy commissioner for correctional facilities.

Credits

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