

# **Exhibit C**

# NEW YORK CITY DEPARTMENT OF CORRECTION



## INMATE HANDBOOK

Copies of New York City Board of Correction & State Commission  
Minimum Standards are available in all Facility Law Libraries.

REVISED 12/07

## INTRODUCTION

This Handbook will inform you about many of the programs and services available to you. The rules that you must follow will be published in an Inmate Rulebook, under separate cover.

When you come into a Department of Correction jail (DOC, Department), you will be given a DOC ID number, called a “book and case” number. You will also get an ID card, which you must have with you at all times, and have clipped to your clothes so that it can be easily seen any time you leave your housing area.

You have the right to be safe in jail. If you are the victim of any threats or actual violence, or you feel unsafe, or you think you may hurt yourself, the DOC has ways to help you. (Read the section in this Handbook on “Safety & Victims’ Services” for more information.)

Although safety and security always come first in jail, you should also know that the DOC offers many valuable programs and services to you while you are incarcerated, including health, educational, vocational, work, and counseling programs. Remember that not every program is available to every inmate and may not be offered in every facility. This introduction mentions some of those programs and services; the Handbook describes them in more detail; you can also learn more about them in the Programs Office of your facility. To go to the Programs Office, ask your Housing area Officer for an interview slip, which you should fill out and return to him

**The programs and services that you can use while you are in a Department jail, include:**

### **Medical/Mental Health Services.**

You can see a doctor or physician’s assistant, a mental health professional, or a dentist by signing up for sick call. In an emergency, ask your housing officer to help you get to a doctor immediately. If you are HIV positive or want to take a voluntary HIV test, your facility has an HIV counselor who can help you arrange for a test or get medications. (For more information, read the “Health Services” section of this Handbook.)

### **Education**

- If you are under 21 years old, you may go to school; in fact, if you are 16,17 or 18 years old, and do not have a high school diploma or a GED, you must go to school while you are in jail. Some facilities have adult education programs for students over 21 years old. (Read the “Educational Services” section of this Handbook to learn more.)

### **Family Events**

- If there is an important event in your family (like a death or very serious illness), if you wish to get married, or if you want to visit with your children in foster care, you may contact the Counselor in your facility. (See the “Family Events” section of this Handbook; also see the “Counseling Services” section to learn how the counselors can help you.)

## Religious Services

- Chaplains from the Jewish, Muslim, Catholic, and Protestant faith groups work for the Department in each of the jails. Each facility has regular services for all four faiths. If your faith is not represented, contact your facility chaplain and he or she will make the necessary arrangements. (Read the “**Religious Rights**” section of this Handbook for more information.)

## Law Libraries

- You can do legal research while you are in jail. Every facility has a Law Library that you are entitled to use for two hours a day, five days a week, Tuesday through Saturday. The Law Library also has copies of the rules and court orders that describe your rights in jail, including the New York City Board of Correction Minimum Standards and the New York State Commission on Correction Minimum Standards. (Details about how to get to the Law Library, including the hours when it is available, are in the “**Law Library**” section of this Handbook.)

## Grievance Process

- If you have an issue that cannot be resolved after you have spoken with your Housing Officer, Counselor, Legal or Grievance Coordinator, you may present a complaint in writing to the Grievance Coordinator in your facility who will guide you through the steps to a formal resolution. You may submit a complaint about things that directly affect you such as Department policies, how the policies are carried out or someone else’s behavior, including an officer. (See the “**Grievance Procedures**” section of this Handbook.)

## Discharge Planning

- Finally, the Department wants to help you to avoid coming back to jail and help make it easier for you to transition back to your community. This help is called discharge planning. You should have received a copy of the *Connections* guide when you were first admitted to the Department. This resource guide lists programs and services that are available to you in New York City and also has a section to help you obtain a job after your release.
- If you did not receive *Connections* at intake, ask your Correctional Counselor for a copy. All Law Libraries also have copies of “*The Center for Community Problem Solving Reentry Guide*” available for your use. If you are a sentenced inmate who is housed in either the Rose M. Singer Center or the Eric M. Taylor Center, your facility offers discharge planning services that focus on helping you get a job and housing, and to stay off drugs and alcohol. (See the “**Discharge Planning**” section of this handbook to find out more.)

We hope that this Handbook will help you to take advantage of the Department’s programs and services and avoid acting in ways that threaten your own safety, the safety of staff or other inmates. If you have a question about Department programs or rules, ask any uniformed staff member.

## **Frequently Asked Questions:**

Here are some questions that inmates often ask, and where to find the answers in this handbook.

1. How can my family or friends put money into my account? (11)
2. How often can I use the phone? (42)
3. What can I do if I don't feel safe? (38)
4. What clothes am I allowed to wear? What can't I wear? (30)
5. What items am I allowed to have with me? (30)
6. What kind of packages and mail am I allowed to receive? (31)
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18. Why does someone get written up for an infraction (violating a Department rule)? (See Inmate Rule Book)
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25. How do I apply to get married while in jail? (40)
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27. Whom do I talk to if I have a complaint? (20)
28. What does my security classification mean? How does someone get classified as a "High Security" inmate? Is there any way to change this? (22)
29. After I get out, how do I pick up my money and property? (35)
30. Can I attend regular worship services while in jail? (36)
31. Can I work on getting my G.E.D. while I'm in jail? (16)
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## ADDRESSES AND TELEPHONE NUMBERS

Listed below are addresses and telephone numbers, Voice and TDD #s for some agencies and persons that you may wish to contact at some point during your incarceration.

- Administration for Children's Services (ACS) Office of Advocacy's Parents' and Children's Rights Helpline (collect), 212-619-1309
- Americans with Disabilities Act Disability Rights Coordinator, 60 Hudson Street, New York, N.Y. 10013, (212) 266-1039
- Legal Aid Society Prisoners' Rights Project, 199 Waters Street, NY, NY 10038, (212) 577-3530
- New York City Board of Correction, 51 Chambers Street, Rm. 923 NY, NY 10007, (212) 788-7840
- New York City Department of Correction Intelligence Unit hotline (718) 728-4652
- New York City Department of Investigations (Inspector General) (212) 266-1900
- New York State Commission on Correction, 163 West 125<sup>th</sup> Street, 12<sup>th</sup> Floor, New York, NY 10027, (518) 485 2346
- Office of Compliance Consultants, 14-14 Hazen Street, E. Elmhurst, NY 11370, (718) 728-6505

### **Information Hotline:**

Within the Housing areas, the Program Services areas, the Visit areas, and the Intake areas you will find posters advertising the telephone numbers to the "Information Hotline" assigned to each facility. You can also ask any staff member to provide you with the number upon request.

The "Information Hotline" is a telephone line that enables you, staff, visitors and the general public to provide information about illicit activities, potential crimes **and/or any other concerns** that might occur within or outside of the facilities that would have a negative impact **on you** or the good order and security of the facility. The information is kept confidential and is only disclosed on a needed basis.

Note: All telephones designated for you in your housing area have the capability of reaching the Information Hotline without a telephone charge to your money account.

The telephone numbers in each facility are as follows:

AMKC	718-204-0835	RNDC	718-204-0362
EMTC	718-204-0341	RMSC	718-204-0734
GMDC	718-204-0243	VCBC	718-589-4463
GRVC	718-204-0263	WF	71 8-204-0472
MDC	212-964-5936		
NIC	718-204-0281		
OBCC	718-204-0396		

## ATTORNEY VISITS

- Your attorney, a paralegal or social worker who works with your attorney, may visit you 7 days a week from 8 am to 8 pm in the jail where you are housed. Your attorney may also ask that you be produced in a courthouse for an attorney visit, or request a video-teleconference meeting with you. A video teleconference allows you to see and talk to your attorney on a television screen in a jail while your attorney is in a courthouse. When you need to see your attorney, you must speak with him and request that he visit you. These visits do not count against the number of visits you are allowed.

*Note:* Attorney visits will not be conducted during the afternoon count, which occurs at 3 pm.

## BAIL PAYMENT

### How To Pay Bail

Bail will be accepted in any of the following forms, in the exact amount of the bail only:

- Cashier's/Tellers' check, in any amount not exceeding the bail figure;
- Bank money order, up to \$1,000 per money order;
- Federal Express money order, up to \$1,000 per money order;
- U.S. Postal money order, up to \$1,000 per money order;
- Travelers Express Company money order up to \$1,000 per money order;
- Western Union money order, up to \$1,000 per money order.
- Checks issued by a DOC facility (e.g. from your account)
- Checks issued by NYC Department of Finance for a refund of bail
- Checks issued by the Veteran's Administration, U.S. Government or NYS Government up to \$1,000 per check

If you or someone else is paying bail at any Borough facility, make checks or money orders payable to that facility, regardless of where you are housed. If you are housed on Rikers Island and you or someone else is paying bail on Rikers Island, then all checks must be made out to RICC (Rikers Island Central Cashier). There is no need to spell it out; RICC is acceptable. Checks or money orders made out to the Department of Correction will **not** be accepted. The person posting bail must present personal identification and must provide the New York State Identification (NYSID) number of the person to be bailed.

You or someone on your behalf may pay your bail with any needed number of money orders or cashier's/teller's checks as long as the total value of all money orders and acceptable checks and any cash totals the exact amount of your bail, and no single form of payment is



for more than \$1,000. The Department does NOT give change in bail transactions. (See section on **Commissary and Account Deposit Services.**)

### **Where To Pay Bail**

Bail payments can be made at the Rikers Island Central Cashier's Office and any Borough Facility, regardless of where the inmate is housed. Only the facility named on the check/money order can accept payments for bail. Checks or money orders made out to the Department of Correction or to a jail other than the one at which they are presented will **not** be accepted. If the person seeking to pay bail chooses to go to Rikers Island, the payer must go to the Rikers Island Central Cashier window in the Rikers Island Visit Building that can be accessed only by the Queens Transit Q101R-Rikers Island bus.

**The Department will NOT accept personal checks, whether certified or not, for any amount, will not accept money orders for any amount over \$1,000.**

*Note:* The information provided here is intended for general guidance and does not cover all the rules, regulations, laws, ordinances and standards relating to posting bail for an inmate. Please ask your attorney if you have questions that are not answered here.

### **CENTRALLY MONITORED CASES**

If the Department believes that you should be watched carefully because of how the Department expects that you will act, or how others will act towards you, the Department may identify you as a Centrally Monitored Case (CMC) and closely watch your movements both in the jail and during transportation outside the jail. If you are identified as a CMC, you may also be placed in additional restraints when you move from one place to another inside or outside the jail.

When you are first identified as a CMC, the Department will inform you of that decision in writing within 72 hours. You will receive a "Notification of CMC Determination" form that will describe why you were identified as a CMC and what evidence was used to make that decision. The form will also explain how you can appeal that decision if you choose.

Your case will be automatically reviewed every 4 weeks.

You may appeal your CMC status, in writing at any time either to the Commissioner or to the Assistant Chief of Special Operations. There is no form for this purpose. You will still be a CMC while you are appealing. You will receive a written decision within 15 days after your written appeal is received, not counting weekends and holidays. The decision will be on a "Notification of Appeal Review Decision" form.

### **CLOSE CUSTODY/PROTECTIVE CUSTODY HOUSING**

The Department maintains Close Custody Housing Units to house inmates for their own protection, or for the safety and security of other inmates and/or staff.

Within 2 business days of your placement in close custody the Chief of Facility Operations will determine whether continued Close Custody housing is necessary, or whether there is other less restrictive housing (such as administrative escort, general population escort or general population) that meets your safety needs and the safety and security needs of other inmates and/or staff. **(See Section on "Safety and Victim's Services.)** If the Chief determines that close custody is necessary you will be interviewed by a Captain. You must tell the Captain whether you agree or not to that housing. If you do agree, you must sign a waiver (Form 6006B). By signing this form, you waive your right to a due process hearing.

#### **Due Process for Involuntary Placement in Close Custody Housing**

If you do not agree to continued placement in close custody, staff will provide you with a written notice of the placement. This written notice will describe:

- The reasons for the placement
- The evidence that was used. The Department is not required to provide you with the source of the evidence.
- Your right to a hearing before an impartial Captain; and
- What your rights are at the hearing.

You are entitled to the following rights at the hearing. The right to:

- Appear personally
- 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 you in Close Custody Housing.

- Make statements. You will be informed that if you are subject to a subsequent criminal prosecution, the statements that are made by you may be used against you in a subsequent criminal trial; and that you may remain silent, and your silence will not be used against you.
- Call both inmate and staff witnesses – within the discretion of the Adjudication Captain
- Present evidence; and
- A written decision including the reasons for the decision.

If you do not understand the process, the Captain may appoint a “Hearing Facilitator,” who is a civilian staff member in the Department, to assist you.

If you do not understand English, an interpreter will be provided for you.

The hearing must be held no sooner than twenty-four (24) hours after you receive the written notice of Close Custody Security Designation, and no later than three (3) business days after you receive the written notice of the Close Custody designation. You may choose to waive the notice periods, but it may be extended for the following reasons: When you:

- have a court appearance
- are hospitalized or transferred out of the facility for a hospital or clinic appointment
- leave the facility for an attorney interview
- are transferred to another facility; or
- are not available due to your absence from the facility for other purposes.

You will receive copies of the written notice and the Adjudication Captain will make certain that you understand what it says. If there is documentary evidence that will be considered at the hearing, but was not in the written notice, you must be given the opportunity to review that evidence before or at the beginning of the hearing. Confidential information to protect someone’s personal safety or facility security may be left out.

### **Twenty-eight (28) day Review of Placement in Close Custody Housing**

While in Close Custody housing, your Close Custody status will be reviewed at least every twenty-eight (28) days. Five (5) business days before each review you will receive a “28-day Close Custody Status Review Form.” The “28-day Review” determination is made by the Chief of Facility Operations. If you are voluntarily placed, you must indicate on the form whether or not you want to remain. If you are involuntarily placed, you may provide information to support your transfer back to regular housing. You may choose not to complete the form and the Housing Area Officer will note that on the form. Upon completion of the form, give it to the Housing Officer who will return it to the Deputy Warden.

If it is decided that you should no longer remain in Close Custody Housing, you will be transferred, and given a written copy of the decision from the Chief’s office. This decision is final.

If it is decided that you should stay in Close Custody Housing you are entitled to a written copy of the decision within one (1) business day from the time the decision is rendered.

If you are involuntarily placed in Close Custody and this placement in Close Custody housing will be continued based on new evidence, you will be provided with the new evidence and allowed a due process hearing. You will be given a new form "Notice of New Evidence/Right to Due Process Hearing" to complete. Return the completed form to your Housing Officer for submission to the Adjudication Captain.

The Adjudication Captain will ask you if you wish to waive your hearing. If you wish to do so then you will sign the form stating that. If you do not wish to waive the hearing, the Adjudication Captain will conduct the hearing, document the recommendations and forward it to the appropriate staff for a final decision.

If you voluntarily entered Close Custody Housing you may request to be removed by submitting an interview slip to the Deputy Warden for Security.

### **COMMISSARY AND ACCOUNT DEPOSIT SERVICES**

Your jail has a store called a "commissary", where you may buy things like soap, toothpaste, deodorant, food, drinks, and stationery. You can see one sample of each product that you can buy, displayed in the commissary area. A commissary schedule is posted in your housing area, and a list of available products is posted in the commissary. If you are scheduled for court on your commissary day, you will be eligible for "recall," that is: another time to go to the Commissary when your facility can arrange for you to go. Look at the posted schedule to find out the day and time your housing area goes to commissary.

If you are assigned to a special housing area, you may not be allowed to go to the commissary yourself. In that case you will fill out a commissary form in your housing area, and the products you order will be sent to your housing area.

In order to pay for these items, as well as for telephone calls, you will have a commissary account. Your account is kept under your book and case number in the cashier's office at your facility. If you are transferred to another facility, your money will follow you to your new location. If your money is not in your account after your transfer, contact a member of the Counseling staff to follow up.

Your friends and family may deposit money into your commissary account, either when they come to visit or through the mail. A visitor may deposit cash to your account when they visit you and those funds will be available for your use the next day. Money sent to you through the mail must be a money order, mailed to **(YOUR NAME)**. All types of money orders are accepted in all denominations. Upon delivery, your mail will be opened and will be inspected in your presence. The mail officer will give you a receipt as proof that you received money and it was deposited into your account. Money sent as a money order will be available 5 business days after its receipt.

**While you are incarcerated, you must pay for some services such as haircuts and long distance telephone calls. If at the time of service you do not have any funds in your commissary account, and you are discharged from the Department, if you are ever re-incarcerated, with funds now in your account, the funds you owed the department will be taken from your new commissary account.**

## DEPOSIT SERVICES

### Background

The DOC is making arrangements with several money transfer agents to accept deposits for inmate accounts. Instead of going to one of the cashier offices, friends and family members can use these services. So far, there are three providers: JPay, Western Union and ICSolutions. Others will be added.

### Methods of Deposit

Depending on the provider, deposits can be made online or by phone, at a walk-in location or by using a kiosk at one of the DOC cashier offices. Depositors must be able to provide the inmate's first and last name, and BAC ( Book and Case number) .

	<i>JPay</i>	<i>Western Union</i>	<i>ICSolutions</i>
Online deposit: credit or debit card	Available	Available	Available
Deposit by phone: credit or debit card	Available	Available	Available
Walk-in locations: credit or debit card, cash	Available	Available	Available
Cashier office kiosk: cash only	Available	TBD	Available*

\* IC Solutions kiosks accept credit cards

### Fees

There are fees for all deposit services. They vary from one provider to another.

### Contact Information

The DOC does not recommend any one provider over another. There is a link from the DOC website to each of the providers' websites; for callers who have online access you can simply refer them there for further information. If the caller requests a specific provider, here is the contact information.

	<i>JPay</i>	<i>Western Union</i>	<i>IC Solutions</i>
Phone number	(800) 574-JPAY	(800) 634-3422	(888) 888-8413
Website address	<a href="http://www.jpav.com">www.jpav.com</a>	<a href="http://www.westernunion.com">www.westernunion.com</a>	<a href="http://www.icsdeposits.com">www.icsdeposits.com</a>

## CONDITIONAL RELEASE

If you are serving one, or more than one definite sentence of imprisonment with a term or an aggregate term in excess of ninety (90) days you may, upon request and submission of the Local Conditional Release (LCR) application, be considered for release by the Board of Parole. Applications will only be considered if you have been in local custody for at least thirty (30) days. In order to be conditionally released from the local correctional facility, you must serve at least sixty (60) days of the definite term.

You must fill out a written application for Local Conditional Release and submit the completed application to the New York State Division of Parole. An application can be obtained in the Law Library at the correctional facility where you are housed. You must read the application very carefully and make sure that you fully understand the conditions governing your release and your obligations under supervision after release.

You must mail your application to:

NYS Division of Parole  
845 Central Avenue – East 2  
Albany, NY 12206  
Phone: (518) 457-7566  
Fax: (518) 485-8950

If it is decided that you are eligible for consideration, an officer from the Division of Parole will interview you at your facility. You must be prepared to fully participate in the interview with the officer; you must provide answers to questions from the officer; and you must also provide court documents, probation records, and criminal history information upon request. If the officer approves your LCR application, the application will be submitted for consideration to the New York State Board of Parole. You will be provided with a copy of the Parole Board's decision.

## COUNSELING SERVICES

Department of Correction Counselors can provide you with social service assistance, which includes help maintaining connections with your family, getting information about your Social Security or SSI benefits upon discharge, and providing counseling during times of crisis. Counselors can help you visit at the hospital with family members who are critically ill and expected to die, or attend the wake or funeral of family members.

If you or your family member is deaf, or has a speech impairment, is visually impaired or blind, or has a mobility impairment and must use a cane, crutches, walker or wheelchair, Counselors can help you access the Department of Correction's programs, services and facilities and provide assistance when you contact your family. (See section on **Disability Rights.**)

Counselors can also help your children who are in foster care visit with you, and provide you with referrals to programs. They can help you get to child custody court dates. (See the section on **Family Events**) They can provide verification of incarceration letters you can

give to rehabilitation programs, schools, and others who need proof of where you were when you missed an appointment.

Counselors may provide individual and group counseling and can help you complete an application form if you want to be married. Counselors can help you complete application forms to apply for your birth certificate and social security card, or to make **collect** long distance telephone calls.

Counselors can provide you with referrals to community-based programs where you can get help after your release. To visit with a Counselor, you must complete a sign-up sheet or interview slip, which you can get from your Housing Area Officer.

## **DISABILITY RIGHTS**

If you are disabled, you may be entitled to reasonable accommodations, as stated in the Americans with Disabilities Act (ADA), a federal law that will not allow discrimination on the basis of disability. Currently, the Department of Correction provides TDDs (telephone device for the deaf) for inmates who are deaf or hard of hearing to make and receive telephone calls. DOC also provides assistance to visually impaired and blind inmates with, for example, written materials in large print and/or Braille.

Help can be provided, as well, for inmates who have mobility impairments and use crutches, canes or wheelchairs. Speak to your Counselor who may be able to assist you in getting to programs and referrals to community organizations that work with people with your type of disability. The names of the Disability Rights Coordinator and the Counselors at each facility are posted on Disability Rights Posters throughout your facility.

The Reasonable Accommodation Request Procedure works as follows:

- You should tell the Officers at the point of Intake that you have a disability.
- If you did not inform the Intake staff about your disability, but then decide that you want to request a reasonable accommodation, you may follow one of two options:
- Ask your Counselor for Form 3802A: Inmate Reasonable Accommodation Request, fill it out and return it to the Officer. We advise you to complete the bottom half of the form, which will authorize DOC to look at your medical records in order to consider your request for a reasonable accommodation
- Contact the Disability Rights Coordinator for Inmates (DRCI) by telephone at (212) 266-1039, or by writing a letter to the DRCI at the Program Administration and Discharge Planning Unit, 60 Hudson Street, New York, NY, 10013.
- You will receive an answer to your request on Form 3802C, five days after the DRCI receives it. On this form, you will either sign in the box where it states that you agree with the response, or sign in the box where it states that you do not agree with the response.
- If you signed that you do not agree with the response, you can then file a grievance with the Grievance Coordinator (see **Grievance Section** below.)

## DISCHARGE PLANNING

When you were admitted to the Department of Correction, you were asked questions about your housing, work and family situation, and possible addiction problems. Your answers to these questions will help the Department help you plan for your release and address some of the issues that brought you into jail, and possibly help to keep you from coming back to jail. Your answers will also help the Department to understand what programs/services are most important, and attempt to insure that they are made as available as possible. .

There are two resource guidebooks with listings of agencies that provide information to help people returning from jail to their communities available in DOC facilities. One book, *Connections and the Job Search*, should have been given to you upon your admission. If you did not receive a copy, ask your Counselor for one which you may take with you when you are either discharged or transferred. The other book, *Center for Community Problem Solving Reentry Guide*, can be found in the Law Library or the Counselor's office where you can borrow it and find the information that you need. You should start planning now for your release, and use your time in jail to arrange for whatever help you will need when you leave.

The Rikers Island Discharge Enhancement (RIDE) program helps city-sentenced inmates make connections to employment, housing, and substance abuse treatment opportunities in the community before discharge. If you are sentenced and working in a facility other than EMTC or RMSC, ask the Housing Officer to call the RIDE program to make a referral for you.

If you are housed at **EMTC or RMSC**, information is posted throughout the facility with information on how to contact the RIDE program. RIDE program staff also recruit in the facility on a routine basis, or you can ask your housing area officer or any other staff member to contact the program for you. Also, while at EMTC you can use the telephone helpline in each housing area to contact the RIDE Program staff.

In any facility where you are housed, there is information on various types of benefits that you may be eligible for, and for which you can apply. This information can be found in the Law Library and the Programs area in your facility located in pockets of a large "Benefits Board" erected on the wall. Take the form that you need and follow the instructions, or ask your counselor for help so that you may begin the process to get help when you leave.

If you are in the RIDE program, you can get help obtaining identification documents that you will need to get a job, drug treatment, housing and other services. Your family may drop off documents you may have at home (e.g., birth certificate and/or social security card) in any of the "Drop Boxes" in the facility visit area, or they can fax them to RIDE/EMTC (718) 546-5931 or (718) 546-7644 at RIDE/RMSC with your name, book and case number, and date of birth noted.

Whatever ID documents you have at Intake will be carefully noted on your Property Receipt form so that they can be used in your discharge planning. If you do not have ID, you need to begin working with the RIDE program to get it immediately so you can use it to get the services you need when you are released. You must have ID to get most jobs or services, even if you have signed up for a program to go to after you are discharged. If you have been released and could not get discharge planning help in jail, you may still get assistance by calling 311 and saying "Jail Release Services." You will be asked some questions to allow the operator to refer you to the appropriate service.

The Fortune Society which is located in the Perry Building, - which is the last building you will enter as you leave Rikers Island if you are being bailed out, - offers program services to



anyone who is discharged. Services include career development, AIDS/HIV assistance, treatment for substance abuse issues, education, counseling and more. Before you leave Rikers Island, stop in their Office where you can receive information about these services and also can be transported directly to their site in the community.

Another benefit of involving yourself in programs that can assist you with discharge planning if you are a city-sentenced inmate is helping you to keep in touch with your family and/or to help you to become reunited with family upon discharge. Being in the RIDE program, you can be part of family day social events on non-visit days where you can be with your family and talk about plans for life after jail. Family support is very important to help you do well after jail; participating in these activities can help you keep in touch and show family members how you are using your time wisely by becoming involved in programs. Sign up in your facility's program office to join the RIDE program.

### **EDUCATIONAL SERVICES**

If you are 16, 17 or 18 years old, and do not have a high school diploma or a GED, you **must** attend school while in a DOC facility.

If you are 18 or older and, on September 1<sup>st</sup> of the applicable school year, you were under 21 (or under 22 if you are entitled to receive special education), and you do not have a high school diploma or a GED, and you have been in jail or expect to be in jail for 10 or more calendar days, you are entitled to educational services and you may attend a school at a facility on Rikers Island.

If you are between 18 and 21 there is a process for you to be offered these services: If you want to go to school, fill out the "Request for Educational Services Form" which you should get at intake, or will find at the "A" post in each housing area, Counseling (Social Services,) Law Library or Chaplains' areas, and put it in the box in the housing area marked "Grievance/Education". The correction officer in the Programs area will make sure that the form is delivered to the principal of the Department of Education's school in your facility.

The Department of Education (DOE) provides educational services that can lead to a high school diploma, a GED, or a Regents diploma. DOE also provides vocational training, counseling and discharge planning. Tell your housing area officer or Counselor, the Captain for Programs, or the Deputy Warden for Programs in your jail that you want to go to school, and they will get you appropriate forms and information on what is available. The forms are also available in your housing area and your facility's law library, and program areas.

### **EMPLOYMENT WHILE INCARCERATED**

If you are a sentenced inmate, you are required to work. Detainees who desire to work may be considered for employment. Job postings and application forms will be placed in your housing areas, libraries, social service offices, grievance offices, and where you receive orientation. You must complete "Section One" of the "Inmate Job Application" and give the completed form to your Housing area officer if you are interested in working. Your application will be reviewed by the appropriate staff and if you are approved for assignment,

you will receive a copy of the approved application form, and called for work. You may not be eligible for a particular job assignment. Staff will direct you to apply for another job. You will be paid according to the wage for your particular assignment, and the funds will be applied to your commissary account. You will be reassigned to different tasks on a rotating basis. If for any reason such as safety or security concerns it is determined that you are not suited to a particular assignment, you will be reassigned.

## **ENHANCED RESTRAINT AND/OR RED ID STATUS**

**Red ID Status:** If you are caught with a weapon or you use a weapon while you are in jail, or you used a weapon and injured someone in a Department jail within the past five years, you will be given a special red ID card and put in extra restraints when you travel outside the jail, for example, when you go to court. Extra restraints can include side or rear cuffs, mitts, a waist chain, and leg irons.

There are three levels of Red ID status:

- Code 3 – Caught as a weapon carrier during current incarceration;
- Code 2 – Used a weapon to injure other(s) within the past five (5) years; and
- Code 1 – Used a weapon to injure others two (2) or more times within the past five (5) years.

**Enhanced Restraint Status:** If you:

- assault or attack staff or another inmate,
- are violent in a way that does substantial property damage and that places any person at risk of harm, or
- exhibit violent behavior and try to assault or attack staff or another inmate, placing that person at imminent risk of harm, either during this incarceration or when you were in a Department jail in the past;

You will be put in enhanced restraints when you go from one place to another in your jail and outside the jail.

The initial decision to place you in Red ID and/or Enhanced Restraint Status must be made by a supervising officer.

**Notice:** You must be given a written notice when you are first placed in either Red ID or Enhanced Restraint status. The notice should say very clearly why you were placed in that status, and tell you that you have a right to a hearing before an impartial Adjudication Captain within 72 hours, excluding weekends and holidays. The Adjudication Captain will decide if the evidence and witnesses you want are appropriate, that is, relevant and not repetitive of other evidence or witnesses. If you are placed in enhanced restraints, the notice will tell you what level of restraints are being applied. Levels of enhanced restraints may include waist chains or leg irons, and may include restraint during a program service.

**Hearings:** Unless there is a stated good cause for delay, the hearing must be held within 72 hours after you receive the notice. You have a right to review the evidence that will be used against you. At the hearing, you have a right to make your own statement and to present evidence, including testimony from staff and inmate witnesses, at the discretion of the Adjudication Captain. If you are deaf or have a speech impairment, you may request a Sign Language interpreter. If you wish to have a witness called to testify for you, you must tell the Adjudication Captain specifically why you want that witness to testify, so that the Adjudication Captain can determine if the witness should be called or not. You have a right

to have help from a person known as a “counsel substitute” if you cannot read, if the case is very complicated, or if there is some other reason that prevents you from understanding the witnesses or documents. When you are served with the infraction, the Adjudication Captain will explain to you how to request a “counsel substitute” if you need one. If you cannot speak English, you may have an interpreter.

**Written Decision:** If the Department decides to continue your Red ID or Enhanced Restraint status, you must receive a written decision saying so within 72 hours after the hearing is finished, not including weekends and holidays, unless something unexpected happens such as you having to appear in court, to delay your receiving the decision. A decision to continue the Enhanced Restraint or Red ID status must be based on a “preponderance of the credible evidence.”

**Appeal:** If you believe the decision to keep you in Red ID and/or Enhanced Restraint status is wrong, you have a right to appeal that decision to the Deputy Warden of Security at your facility within 21 days after you get the decision, or at any time if you have a good reason and supporting facts, including new evidence or a change in circumstances.

Appeal forms are kept in the Law Library. If you want to appeal, you must fill out the Appeal form explaining why you think you should not be in Red ID or Enhanced Restraint status. You must file the completed and stapled form(s) in the locked box marked “Red ID/Enhanced Restraint Appeals” in the Law Library. Staff from the jail’s Security Office will collect the contents of the locked box daily from Tuesday through Friday.

You may mention improved conduct on your part as a reason to remove you from Red ID or Enhanced Restraint status. The Deputy Warden of Security will review the specifics of your appeal as well as all documented information and the circumstances surrounding your placement. The Deputy Warden of Security has 7 days after receiving the appeal to render a written decision. Then you must receive the written decision within 24 hours excluding weekends and holidays. If you want to challenge the Deputy Warden’s decision, you can bring an Article 78 proceeding in New York State Supreme Court.

**Note:** - An Article 78 (Article 78 of the Criminal Procedure Law Review (CPLR)) proceeding is the method by which you request judicial review of administrative actions. The Forms are located in the Law Library where a Legal Coordinator will assist you.

You must retain a copy of the appeal for your records, and you must send a copy of the appeal to:

The Office of Compliance Consultants (O.C.C.)  
J.A.T.C.  
14-14 Hazen Street, 2<sup>nd</sup> Floor  
East Elmhurst, N.Y. 11370

You can make copies in the Law Library. If you are in the Central Punitive Segregation Unit (CPSU), you may get a copy of the appeal form from the CPSU Law Library officer. You must give the officer the completed form. The officer will put the form in the locked box in the law library. You will be given a copy of your appeal.

**Medical Review:** The medical staff must conduct a physical examination of every person placed in Enhanced Restraint or Red ID status within 24 hours after placement in order to decide if the enhanced restraints are likely to have a substantial medical effect (“significant adverse medical consequence”) on you or worsen an existing medical condition. In addition,

the medical staff must review the medical records of those in Enhanced Restraint and Red ID status once each month, to make sure that the restraints are not causing significant harm. You will not have a physical examination every month unless medical staff determines that you need one.

If the restraints are causing you physical harm, you may ask to see medical staff without waiting for the monthly review. If medical staff finds that the enhanced restraints are causing a considerable negative medical consequence or irritating a pre-existing medical condition, they must notify the Department in writing and ask that the Department use different restraints on you. The Department and the medical staff must agree on the different restraints

## FAMILY EVENTS

### Child Custody Issues and Foster Care Visits

Even though you are incarcerated, it is very important that you actively plan for your child's future by being involved in his/her foster care case and remain in contact with the caseworker. In order for you to reunite with your child after your release, you have to show that you are a responsible parent, are involved in your child's life, and are addressing the issues that led to your child being placed in foster care.

#### **If your child is in foster care, you have the right to:**

- Be notified of any upcoming Family Court dates
- Be produced for all Family Court proceedings
- Have an attorney assigned to represent you in Family Court proceedings involving your foster care case
- Have at least monthly visits with your child unless the Court has ordered otherwise. These visits are arranged weekly through the Administration for Children's Services and the Foster Care caseworker. Ask the Counselor to help you contact your caseworker.

#### **If you have an upcoming Family Court date:**

- Family Court judges are supposed to issue an "Order to Produce" to the Department of Correction (DOC) to make sure that you can appear in court. Sometimes this doesn't happen – even if the court fails to issue an order to DOC, you can still take steps on your own to make sure you get to court.
- As soon as possible, you can:
  - Give the order to the Counselor if it was sent directly to you.
  - Talk to your lawyer, your child's caseworker and your Counselor to request that you be produced.
- Write to your Family Court Judge to request that you be present at all court dates involving your child (you can ask your Counselor for a sample letter)
- Make sure that the Counselor is aware of these dates as soon as possible after you are notified if you want to be taken to court.
- Also, make sure that the *Order to Produce* gets sent to the Chief Clerk on Rikers Island (and the Inmate Records Office if you are in a State Facility), and **not** to YOU. If an order gets sent to you directly it is legally useless. You can give the original order to the Counselor who will give it to the Chief Clerk of your facility. Upon verification you will be taken to court. **If you want more information on Child Custody and Foster Care Issues:**

- Request a copy of the BOOKLET: "Out of Sight, Not Out of Mind: Important Information for Incarcerated Parents whose Children are in Foster Care" from the Counselor or the Administration for Children's Services.
- Request to view the VIDEO "Out of Sight, Not Out of Mind" from your Counselor
- CALL the ACS Office of Advocacy's Parents' and Children's Rights Helpline collect at: 212-619-1309

## **FOOD SERVICES -- SPECIAL DIETS**

You are allowed to have a therapeutic diet prescribed by a physician or physician's assistant. If you believe your medical condition warrants a therapeutic diet, you should arrange with your housing area officer for an appointment with the medical staff.

You are allowed to observe reasonable dietary laws or fasts established by your religion. The department will provide you with the appropriate foods consistent with the established religious dietary laws as sanctioned by Ministerial Services.

## **GRIEVANCE PROCEDURE**

The Department's Inmate Grievance Resolution Program is available to you if you have a complaint or concern about anything involving your incarceration. If you cannot resolve issues of concern by speaking with those involved, you may submit a complaint to the Inmate Grievance Resolution Committee (IGRC). The grievance procedure is not an adversarial process, but an attempt to resolve disputes fairly and equitably within existing regulations. You may use the grievance procedures to resolve issues related to a specific incident or related to Department policies or how the policies are carried out, or the fact that there is no policy or rule about something affecting your incarceration.

### **How to Submit a Grievance**

Complete an "Inmate Grievance Interview Slip" (Form #143) or an "Inmate Grievance Form" (Form #7101), which are available through Inmate Grievance Resolution Committee staff members and office, Housing Area Officers, Law Libraries and the Counseling Office.

Submit the grievance by giving it to an Inmate Grievance Resolution Committee staff member, dropping the grievance in the Grievance Box or bringing it to the Grievance Officer.

In the event you cannot access the Grievance form (Form #7101), a complaint can be written on any paper and will be transferred onto the appropriate form when Grievance personnel interview you.

### **Time Deadline to Submit Grievance**

You must submit your grievance within 10 days (excluding weekends and holidays) of the time the event or issue you are complaining about occurred, or the issue came to your knowledge.

## **How the Grievance Procedure Works**

**Step 1:** The IGRC will investigate and try to resolve your grievance without a hearing. If you are not satisfied with the informal resolution, or do not receive a response to your grievance from the IGRC within five days (excluding weekends and holidays), you may request a formal hearing.

**Step 2- Warden Level:** If you are not satisfied with the determination from a hearing, you may appeal to the Warden.

**Step 3 – Central Office Review Committee (CORC):** If you are not satisfied with the Warden’s decision, you may appeal to the CORC.

**Step 4 – Board of Correction (BOC):** If you are not satisfied with the CORC decision, you may appeal to the BOC.

## **Additional Information About the Grievance Procedure in Directive 3375R**

If you do not receive a response to your grievance at any step of the Grievance Procedure within the time period required in Directive 3375R-A, you may proceed to the next step of the Grievance Procedure.

More detailed information on the timeframes and process for all the steps in the procedure is included in Directive 3375R. Copies of this Directive are available at the Grievance Office and the Law Library.

## **Confidentially and Accessibility**

Grievance files are confidential and are kept in a locked area for use by IGRC staff. Inmates, who do not speak or write English, and inmates with disabilities, will be provided with necessary assistance to use the grievance procedure.

## **Non-Grievance Complaints**

Some issues are not grievable. These include complaints of assault or harassment by a staff person, which the IGRC will refer to the commanding officer for necessary action, issues that are in litigation and issues that do not directly affect you. If you are unsure whether an issue is grievable, you should file a grievance. The IGRC will then determine whether the complaint is grievable.

## **HEALTH SERVICES**

Regular medical, mental health, and dental services, as well as specialty medicine and dental services, medical and mental health counseling, methadone maintenance, detoxification, and other substance abuse services are available to you while you are incarcerated in the N.Y.C. Department of Correction, Monday through Friday. Emergency services are available at any

time, 24 hours a day, 7 days a week. These services are provided by the NYC Department of Health and Mental Hygiene and by contractors hired by that agency.

You can get to any of these health services by signing the daily sick call sign-up sheet posted in your housing area. If you are blind or visually impaired, you may ask for assistance with signing the sheet.

If you sign the daily sick call sign-up sheet, you will be brought to sick call on the following day.

If you are HIV positive or want to take a voluntary HIV test, your facility has an HIV counselor who can help you obtain medications or help you arrange for a test.

If you have not signed up for sick call but at any time have a medical, mental health, or dental emergency, tell your housing area officer who will make sure you get emergency care.

If your condition requires that you be hospitalized, you will be transferred to a hospital with a Prison Ward where you will receive needed treatment.

### **HIV Counseling, Testing and Discharge Planning**

Individuals who have or may be at risk for HIV may contact the HIV counselor in his/her facility to talk about discharge planning by signing up for sick call. An HIV counselor is available in all facilities. All sessions and results are completely confidential.

### **Transitional Health Care Coordination**

Transitional Health Care Coordination staff of the Department of Health and Mental Hygiene are available to its patients in City jails, their visitors at the Central Visit Center and to those re-entering the community and their families in community-based offices. List of community-based sites are available in each facilities health clinic. Their mission is to promote better access to health care and health insurance services in the community.

*The Central Visit Center Health Station at Rikers Island* offers health information and screenings to families and visitors and, through referrals, is an avenue to community programs. The Correction-Community Linkage Program provides linkages for those leaving DOC facilities and their families in the communities of greatest need: Central/East Harlem, Central Brooklyn and the South Bronx.

You may access these services by reaching out to a transitional health care staff member or by asking a Correction Officer to make that contact for you.

## **HIGH SECURITY CATEGORIES**

The Department may place you in a restrictive security group such as General Population Escort or a housing area such as Close Custody without your consent.

Either before, or immediately after you are placed in high security restrictive housing, you will be given the following information:

- The reasons for the placement in that group/housing area
- The evidence relied upon to make that decision

If this happens, you have the right to a hearing before an impartial Adjudication Captain who is independent of the facility.

If you request a hearing you have the following rights:

- You are allowed to be at the hearing
- You must be told of the evidence against you
- You may make a statement
- You may call staff or inmate witnesses and present reasonable and relevant documentary evidence, at the discretion of the Adjudication Captain; and
- If you cannot read, are visually impaired, or if your case is very complicated, the Adjudication Captain may appoint an Inmate Hearing Assistant to assist you.

The Adjudication Captain will keep notes of what takes place at the hearing to provide a basis for the decision.

The hearing will be held within 72 hours after you receive the written notice of your placement. If a holiday or weekend intervenes, the Department may hold the hearing on the next business day after you receive the written notice of your classification.

If you turn down your opportunity to have a hearing after initially being placed in a high security group or restrictive housing area, you have the right to a hearing at a later date if you request to be removed from restrictive housing. The procedures and time frames are identical to those described above with regard to hearings upon placement.

If the Adjudication Captain decides that you belong in a high security group/housing area, he/she will explain the decision in writing to the Warden within twenty-four (24) hours after the hearing. Within the next twenty-four (24) hours, the Warden will decide whether he/she agrees or disagrees with the Adjudication Captain's decision. You will receive a copy of the Warden's decision in writing.

If you are placed in a high security group/housing area, the Department will review your case every twenty-one (21) days to see if your classification should be changed. You will be notified of the results of that review.

If the Adjudication Captain determines that you do not belong in a high security group/housing area, you will be moved to another area and your records will be updated.

Nothing in this procedure requires the Department to tell you the name of anyone who provided the Department with information on a confidential basis.

### **LAW LIBRARY: LEGAL REFERENCE MATERIALS AND SUPPLIES**

Unless you are in a hospital prison ward, your jail has a full law library that has updated research and reference materials, blank legal forms, a photocopy machine, paper, and typewriters. Hospital prison wards have mini-law libraries. If you need material not



contained in the mini law library before your return to a facility with a full law library, ask the mini law library officer for assistance.

The law library is run by a trained civilian legal coordinator to help you find the legal materials you need.

You may go to the law library for at least two (2) hours each day that the law library is open (Tuesday through Saturday). You will be called to the law library when your housing area is scheduled. A copy of the law library schedule is always posted in each jail's law library and in all housing areas.

You may ask for extra law library time. If you ask, you will get as much extra law library time as space permits unless you did not pay attention earlier to a warning to stop misusing the law library. Inmates with an immediate need for additional time, such as a court deadline coming up, will get preference for extra law library time.

To ask to go to the law library, you must sign up during lockout periods. When you put your name on the sign-up sheet, you are signing up for law library the next day that the law library is open.

If you miss your regularly scheduled law library period due to a legitimate conflict with another institutional activity, medical or legal proceeding, you will be recalled automatically for the required two (2) hours later that same day or at the next recall period.

The Correction Officer assigned to your housing area will alert you when it is time for law library. If you are there when the announcement is made and do not answer or choose not to attend, you will not be entitled to a recall.

If you return to your housing area from court after the law library sign-up sheets have been removed (i.e. after midnight), and you ask your housing area officer to go to law library the next day, you will be allowed to go the next day the law library is open, as if you had signed the sign-up sheet.

Each law library has trained inmate legal assistants and inmate typists to help you prepare legal papers. Some of those assistants speak Spanish.

Each jail offers legal research classes for general population inmates four times a year. If you are in a special housing unit, you may ask for legal research training materials, and you will receive independent study with the assistance of the Legal Coordinator during regular Law Library sessions.

If you do not follow the law library rules, you disrupt the orderly functioning of the law library, or you use the law library for some purpose other than legal work, you may be removed from the law library for the rest of your law library period. You may also be infraacted and kept from the law library for a longer period of time.

## **LOCK-IN AND LOCKOUT**

(Times when you are permitted to be in or out of your assigned cell. )

If you are not in punitive segregation status, Close Custody lock-in status, or medical isolation, you will not be confined to your cell except during the following times:

- At night, for no longer than 8 hours, beginning no earlier than 11:00 p.m.;
- During the daytime, for no longer than a daily total of 2 hours in any 24-hour period;
- Whenever the institutional count cannot be verified and recounts must be taken;
- When necessary for the safety and security of the facility or the Department.

## **MAIL (CORRESPONDENCE)**

You are allowed to send mail to anybody and to receive mail from anybody unless a court order limits your sending or receiving mail. You are allowed to send and receive as much mail as you want. You may write and receive mail in any language. If you have a visual impairment or are blind and need help reading or writing your mail, you may ask a volunteer or an assigned inmate to assist you, or ask the Housing Officer to assign an inmate to assist you.

Mail that you send out, and mail that is sent to you, may not be opened or read if you are not present, unless that is specifically allowed by a lawful search warrant. However, the Department will inspect, feel, or bend your mail without opening the envelope, even if you are not there.

If contraband (**items not allowed in a jail; check list of contraband in your rulebook**) is found in your mail, the Department will tell you what was found but will not allow you to have the item(s). As long as the item is not dangerous or illegal, you may decide if you want to: have the item destroyed, donate it to an outside charity, or pay to have it returned to the person who sent it to you.

To send mail, buy stamps in the commissary and money will be deducted from your account.

If you have no money in your commissary account, the Department will provide you with free stationery, envelopes, regular first class stamps for all letters to attorneys, courts, and public officials, as well as two other letters each week. If money is deposited in your account within 7 days after you have received free stationery, the money will be recouped from your account.

You must pay to send certified mail. If you are required by a law or rule to send mail certified but you have no money in your account, the Department will pay for you to send that certified mail. The Correction Officer will collect and record your outgoing certified mail and then drop it in the outgoing safe, which will be picked up later for processing.

You must address and seal the mail you want to send out. You must include the following information on the upper left-hand corner of the envelope:

- Your name,
- Your book and case number, and
- Either your jail's street address or your home address. Ask your Housing Area Officer for the address of the jail where you are located.

If you do not put that information on the envelope, the Department will give you back the mail.

To mail a letter out, you should put it in one of the locked mailboxes in your jail. As mentioned above, you can buy stamps in the commissary.

### **MENTAL HEALTH DISCHARGE PLANNING**

If you are receiving mental health care while in jail, you may be eligible for discharge planning services and benefits under the Brad H court settlement. Your mental health clinician or a mental health discharge planner will help you prepare a comprehensive treatment plan.

If you are released directly from court, you can visit a SPAN (Service Provider Assistance Network) office that is located within walking distance of each courthouse.

**Office locations are:**

- **Manhattan SPAN Office**  
80 Centre Street, Room 200-B  
New York, NY 10013  
  
Telephone # (212) 732-7906                      Fax # (212) 732-7908  
Hours: 10:00 AM – 8:00 PM
- **Bronx SPAN Office**  
1000 Grand Concourse, Suite 2-E  
Bronx, NY 10451  
  
Telephone # (718) 590-1235                      Fax # (718) 538-0165  
Hours: 10:00 – 7:00 PM
- **Brooklyn SPAN Office**  
408 Jay Street, Suite-203  
Brooklyn, NY 11201  
  
Telephone # (718) 625-9736                      Fax # (718) 626-9739  
Hours: 10:00 AM – 7:00 PM
- **Queens SPAN Office**  
125-10 Queens Blvd. Suite-224  
Kew Gardens, NY 11415  
  
Telephone # (718) 897-1854                      Fax # (718) 897-2731  
Hours: 9:00 AM – 7:00 PM

The SPAN staff will help you complete your discharge plan, as well as provide you with any prescriptions or information you may need.

### **MEDIA/PRESS CONTACTS**

You are allowed to talk to reporters or the media, that is, newspapers, magazines, book publishers or other publications, and licensed radio and television stations, under the rules described in this Handbook.

You are allowed to be interviewed by a media representative who shows the Department the required media identification, if you agree to be interviewed in writing through your facility Counselor.

If you are a detainee and a court order requires you to be examined to decide if you are competent to stand trial, the Department will not schedule the media interview unless your attorney agrees.

If you are under 18 years old, the Department may require that a parent, legal guardian, or your attorney agree before you will be allowed a media interview.

If the Department agrees to allow a media interview, the interview will generally be scheduled within 24 hours of the request for a time between 8:00 a.m. and 4:00 p.m. The Department will take into consideration any mandated appearances or services you must attend, and schedule your appointment so that you do not miss them.

If the Department decides that your having a media interview will threaten safety or security, a media interview may be limited, denied, or permission may be revoked. The decision will be made by the Deputy Warden for Programs, who will inform you and the media representative in writing and will give you a chance to respond to his/her decision.

If your interview or request for an interview has been limited, denied, or revoked, you may appeal to the N.Y.C. Board of Correction. If you appeal, you must write to both the Board of Correction and the Warden of your jail.

### **NON-DISCRIMINATORY TREATMENT**

The Department will not discriminate against you based on your race, religion, nationality, sexual orientation, age, disability, or political belief.

The Department will give you equal opportunity with others when it makes decisions including work assignments, classification, and discipline, and when you are considered for available programs. The Department will take into account reasonable operational and security concerns in making those decisions.

The Department will provide publications and newspapers printed in English and Spanish, have Spanish-language books and materials available in your jail's library, and make it possible for you to hear radio and television programs broadcast in Spanish. **A copy of this Handbook in Spanish and in Braille** is available in NIC's, RMSC's and RNDC's Law Libraries.

You may talk or write in any language to other inmates and to persons outside the institution, by mail, by telephone, or in person, and you may read and receive written materials in any language. Other rules about mail, telephone, and personal communications still apply.

### **NURSERY PROGRAM**

If you are pregnant, give birth, or are a female inmate with a child under one year of age while incarcerated, you may apply to the RMSC nursery to keep your baby with you until the child is one year old. If you are accepted into the program, the baby will be allowed to remain with you in the nursery for up to one year. Ask your counselor for an application form.

### **PACKAGES**

These rules apply to all facilities except the hospital prison wards and outposts, where the quantities of packages may be limited.

#### **Package Rules**

You are allowed to receive packages from and send packages to any person, including other incarcerated inmates, but not including Department employees, or employees of any organization that works officially with the Department on the care, custody and control of inmates.

The Department will deliver your packages to you as soon as possible, but no longer than within 48 hours of receipt.

You must pay to send packages out. If you have a package to go out, take it to the mailroom, the mailroom officer will put the package in a box, weigh it and you must give the Officer the needed stamps based on the weight of the package.

The Department will not accept or let you send packages C.O.D. (cash on delivery).

The Department will examine packages to make sure that nothing illegal or dangerous comes into or leaves a jail.

You are not allowed to send or receive any package whose contents are illegal or threatens the public safety or the security or welfare of the jail or anyone in it.

## **Package Specifications**

No packages being sent or received may weigh more than 15 pounds. All packages must be less than 24" wide, 12" high and 24" deep (4 cubic feet).

If something is sent to you that is not allowed by Department rules, you may choose whether you want to donate it to a charity, have it destroyed, or pay to return it to the sender. You must sign a dated log to confirm how you want the Department to handle the package.

### **The following are not permitted in packages to or from inmates:**

- Foods, baking and/or cooking ingredients
- Vitamins, pills, drugs or medications of any kind
- Can-type containers with metal parts
- Metal, ceramic or glass containers
- Aerosol type containers
- Trigger type apparatus
- Pinhole squeezable containers
- Any other items that the Department decides may by its contents or design threaten the safety of the jail or anyone in it

### **Incoming Packages**

You may receive packages by U.S. Mail or delivery service, or by delivery by a visitor to your facility during regularly scheduled visiting hours. With permission from your jail, you may also receive packages at other hours. In this case, you would have to write a letter to your jail's Warden and request delivery of the package.

If you need clothes for a court appearance on the next day, clothing packages may be hand delivered at any time between 8 A.M. and 9 P.M. and during any additional hours that the Department decides are appropriate. Packages containing clothing needed for when you have to go back to court, or for other emergencies (e.g. Significant Family Event) may be delivered to you as long as the package is received at the housing facility at least two (2) hours before the time you are scheduled to leave for court. If you need clothing for a court appearance, you may also ask your housing area officer to try to find you clothing. It is important that you ask at least two days before your court appearance.

All packages received at the facility for you must have the sender's name, (and book and case number, if an inmate) address and the recipient's name and book and case number clearly marked on the outside.

A separate receipt for a package and its contents will be provided for each personally delivered package received from a visitor.

If a package for you also includes mail, it will be delivered to you with the opened, inspected package. If the mail is sealed, it will be opened in your presence. However, including sealed or unsealed mail in packages sent by U.S. Mail is against U.S. Postal Service regulations, and may be reported to the postal authorities.

When any item found in an incoming package involves a criminal offense, it will be confiscated, identified and forwarded to the appropriate authority for possible criminal prosecution of the parties participating in the offense. These items will not be returned to you.

When a non-permissible item is discovered in any incoming package delivered by a visitor that does not constitute a criminal offense, the item(s) will be removed and returned to the visitor. When the package has been delivered by mail or delivery service, or the visitor is not present, the item(s) will be returned to the sender at your expense, or donated to an outside charitable organization, or destroyed, as you choose. A record of all such transactions will be entered into a permanent, dated log and verified by your signature.

When a package is received after your release, the package will not be accepted, or it will be returned to the sender. When a package is received and you have been transferred to another facility within the Department, the package will be time stamped and forwarded promptly to the facility to which you were transferred.

### **Appeal**

If you wish to appeal the removal of any item(s) from a package, you should address the matter via the Inmate Grievance Resolution Program (I.G.R.P.) (See the “**Grievance Procedure**” section of this handbook for more information about how to use that program.)

## **PERMISSIBLE ITEMS**

While you are incarcerated, you are allowed to have the items of clothing and other items listed below, only in the amounts listed. If you have more than the permitted number of any of these items, the additional items will be taken from you and stored for you until you leave the Department. The Department will give you a receipt for any such item it takes from you. You may have such items that are taken from you mailed out or given to visitors if you pay the cost to do so.

You are allowed to receive the items listed below in incoming packages unless otherwise noted.

The quantities of items listed below apply to all jails except the hospital prison wards, which are governed by a court order in the case of Reynolds v. Sielaff. These quantities may be changed if the Department decides that the listed quantities specifically threaten the safety of the jail staff or other inmates. Notice of any such changes will be posted in all inmate-housing areas, visiting areas, dayrooms, and the receiving room of the jail.

Sentenced inmates shall be required to wear institutional clothing, except when making an appearance in court or attending a permitted significant family event.

If you are housed in a Mental Observation (M.O.) unit or you are considered a suicide risk (as determined by a physician) you will not be allowed belts, ties, shoelaces, or other items that a physician determines would pose a risk to your well-being; and other articles of clothing may be removed from your possession if warranted by a mental health evaluation.

**Note:** Items marked with an asterisk (\*) are not allowed for any sentenced inmate unless you are scheduled for court or attending a permitted significant family event.

### **Personal Clothing**

- 1 Bathrobe
- \*1 Belt (non-elastic, max 1 ½” wide, small buckle, 2 ¼” max) – Not allowed for Mental Observation inmates
- \*4 Blouse/shirt (non-uniform type, not white or blue)
- One pair only of the following: rubbers, galoshes (overshoes)
- \*1 Coat (no leather, Carhartt, camouflage, blue or uniform type)
- One pair of gloves (for outdoor cold weather wear)
- \*2 Hats/caps (non-uniform type)
- \*2 Jackets (no leather, Carhartt, camouflage, dark blue or uniform type)
- 2 Pairs of pajamas
- \*4 Pairs of pants/slacks (no dark blue or uniform type)
- 1 Raincoat (no black or uniform type)
- 2 Pairs of shoelaces - Not allowed for Mental Observation inmates
- 2 Pairs of shorts or cut-off long pants
- 1 Pair of slippers (no hollow, platform soles or heels, no velcro)
- 4 Pairs of sneakers, shoes, or a combination (no hollow, platform soles or heels)
- 4 Pairs of socks
- \*2 Sweater/sweatshirts (or combination of the two; no hood or pockets)
- \*1 Tie (not black) – Not allowed for Mental Observation inmates
- 4 Sets of undergarments – in accordance with your sex unless approved otherwise by medical staff.

### **Personal Clothing-- Females Only, May have these items in addition to the list above.**

- \*4 Dresses
- \*4 Skirts (no dark blue or uniform type)
- 1 Housecoat
- 2 Nightgowns
- 4 Pairs stockings, pantyhose, or knee-hi's
- 1 “scrunchie” ponytail holder
- 2 Boxes feminine hygienics – You can only purchase these items in the commissary, you cannot receive it from a visitor or have any mailed to you in a package.

### **Toilet Articles**

No metal, glass, ceramic, aerosol, trigger or plunger type containers are allowed. Plastic containers and parts are preferred. All powdered toilet articles must be purchased at the Commissary. Your facility will replace health care items such as soap, toothbrush, toothpaste, drinking cup and toilet paper. Feminine hygiene products shall be replaced as needed by the facility.

#### MAY BE SENT IN PACKAGES:

- 1 Afro comb/pick (pliable rubber or plastic, non-folding type)
- 1 Comb (standard pocket type, rubber or plastic type, no metal)
- 1 Hair brush (non-metal, bristle only – I piece composition)
- 2 Packages eyeglass tissue
- 2 Boxes facial tissue



NOT ALLOWED IN PACKAGES; MUST BE BOUGHT AT COMMISSARY:

- 1 Cocoa butter
- 1 Pack cotton balls
- 1 Deodorant (stick/liquid type, no roll-ons)
- Hair cream dressing (non-alcoholic, plastic container)
- 1 Unitdepilatory
- 2 "Fostex" soap bars
- 10 "Cloraseptic" lozenges
- 2 Lanolin (tubes)
- 2 "Kaopectate" (plastic bottles only)
- 1 Tinactin cream
- 12 "Tylenol" (tablets)
- 2 "Noxzema" (plastic tubes)
- 1 Pack "Q-tips" (no hollow or wooden shafts)
- 1 Shampoo (liquid, cream, medicated-plastic container)
- 1 Shaving brush (non-metal, bristle only)
- 1 Shaving cream (plastic tube)
- 1 Shaving Soap
- 5 Soap (bar, face, in addition to "Fostex" soap)
- Soap dish (plastic)
- 1 Styptic pencil
- 1 Toothbrush (Department issue only)
- Denture adhesive, powder cleaner (no metal container)
- Tinactin powder
- 1 Each powder (after shave, baby, body, face, foot, medicated, talcum, tooth)
- 1 Each powder (mitts, pads, puffs- females only)
- 2 Tubes toothpaste (Commissary issue only)

**Linen, Bedding and other items issued by the Department**

**1 Washcloth+**

2 Sheets

**2 Towels+**

1 Pillow (with fire retardant cover)

1 Pillow case

1 Fire retardant covered mattress. Sufficient blankets to provide comfort and warmth

1 Plastic utility tub/commissary bucket (approximately 18 qt. capacity)

1 Two-oz. package of cold water laundry detergent (2 packages weekly)

+ These numbers reflect Department-issued quantities only. You may possess up to 4 towels and 4 washcloths, which may include a combination of personal (non-white) and Department-issued towels, and washcloths. However, in no event may you possess Department-issued towels, and washcloths in excess of the above listed amounts.

**Educational Items**

MAY BE SENT IN PACKAGES:

6 Charcoal sketch pencils

3 Composition books

2 Erasers (gum, rubber or ink)

6 Pencils (without erasers)

1 Ruler (no metal or metal edge)

1 Legal size cardboard portfolio

NOT ALLOWED IN PACKAGES; MUST BE BOUGHT AT COMMISSARY:

- 4 Pens (ballpoint, non-metal inserts; Commissary issue only)
- 1 Clipboard (non-metal, 9" X 15" max)
- 6 Pads (drawing, legal, writing)
- 1 Pack writing paper

**Publications**

You may have up to 1 cubic foot (12" X 12" X 12") of printed materials including soft and hard covered books, magazines, newspapers, periodicals, pamphlets, advertisements and other printed articles, etc. (any combination). These items must be neatly stored so that they do not create a health or fire hazard.

There is no limit to the quantity of legal materials you may have.

**Recreational Items**

NOT ALLOWED IN PACKAGES; MUST ONLY BE BOUGHT AT COMMISSARY:

- 2 Board games (no dice)
- 1 Box dominoes
- Jigsaw puzzles
- Decks of playing cards (decks or packages must be sealed upon receipt, no stiff plastic or plastic coated cards are permitted)

**Photographs**

Photographs may be hung only on the inside of locker doors or placed on the tops of desks, provided they are not held up with toothpaste or any material that could attract insects or rodents. Nude photographs may not be displayed in an area that is visible to persons passing by your cell or living area.

**Food Items**

The only food you may keep in your housing area are those items bought at the commissary. All food must be stored in your Commissary bucket. Be very careful not to keep food items beyond their expiration date, or opened too long, so that they do not spoil or attract insects or rodents.

**Miscellaneous Items**

MAY BE SENT IN PACKAGES

- 1 Calendar
- 1 Pair of Prescription eyeglasses

NOT ALLOWED IN PACKAGES; MUST BE BOUGHT AT COMMISSARY:

- 1 Drinking cup (Department issue only)
- 10 Envelopes (legal, plain stamp embossed)  
(Mental Observation cases may be restricted by medical personnel)
- 10 Greeting cards
- 6 Paper plates
- 1 Shoe brush (non-metal, bristle only)

- 1 Liquid shoe polish (neutral color: commissary issue only)
- 1 Instant shoe polishing cloth or sponge (neutral color; Commissary issue only)
- 1 Sponge (hand)
- 1 Spoon (soft plastic only)
- 10 Stamps
- 1 AM/FM personal stereo (walkman style with headset, Commissary issue only)
- 1 8 ft. length of 8 ply, #1 cotton twine (17 lb. breakaway) for drying clothes, supplied by the Department. (Not available if you are housed in a M.O. unit or are identified by mental health staff as being a suicide risk).

**Religious Articles**

You may wear and possess religious articles including clothing and hats as long as the articles do not threaten the safety or security of the institution.

**PERSONAL HYGIENE**

Showers with hot and cold water will be made available to you daily. You may be required to shower periodically as consistent with institutional health requirements.

Certain personal hygiene items will be provided to you when you are first incarcerated. You can buy additional personal hygiene items from the Commissary, and they will be provided free if you have no money in your Commissary account, but the funds will be taken from your account when you get money in it.

You may shave daily in your housing area with Department-issued shaving items, by presenting your identification card to the housing area officer and following his/her instructions. You will not be allowed to use shaving items if the Department has decided that your using those items threatens your own safety or the safety or security of the institution.

Your facility provides barber and/or beautician services Monday through Friday, at a cost of \$2 per visit. You may buy a voucher for barber services at the Commissary. If you have no money in your Commissary account you may still obtain a haircut, but the cost of the haircut will be taken from your account when you get money in it.

Check the posted schedule to see which day and time your housing area receives these services. In addition to your regular schedule, you may request a haircut on the workday prior to any scheduled court appearance. Persons capable of using barber tools will cut your hair. Such persons include, but are not limited to licensed barbers, institution staff members, and inmates, as consistent with the safety and security procedures of the institution. Barber tools will be maintained in a safe and sanitary condition.

**PROGRAM SERVICES**

The Department of Correction has various programs available to you while you are incarcerated. These include educational, vocational, work, and counseling programs that are described individually in the Introduction and other sections of this handbook. Information

regarding your eligibility and the specific programs available is provided at the facility's orientation session and through the Programs office in each jail. Keep in mind that different programs have different criteria and not every program is open to every individual or available in every jail.

## **PROPERTY**

When you first come into a jail, all non-permissible property will be taken from you. You are allowed to keep certain things, as listed in the "Permissible Items" section of this Handbook. You will get a receipt for property taken from you, and the Department will store it and return it to you when you are discharged.

If you want to retrieve an item from your property or want someone to pick up your property, ask the Counselor in your facility for a Property Release form and follow the instructions.

Any property taken from you at any time that involves a criminal offense may be sent to a prosecutor, for example: the district attorney's office, the police department, an investigating agency, or any other appropriate law enforcement agency for possible criminal prosecution. If it is against Department rules for you to have that property, you will also be subject to disciplinary action.

Tobacco or tobacco-related products will be destroyed if they are not preserved as evidence in a criminal proceeding. Any money found after you have been processed as a new admission inmate will be taken away from you and will become the property of the City of New York. Whenever the Department takes your property from you, you will receive a Property Receipt form #111R B 92, which explains how you can appeal that removal.

If property is removed from an incoming package or piece of mail because you are not allowed to have it while you are in jail, and it does not involve a crime, it will be put in your stored property and you will be told about the removal within 24 hours. (More information about packages is provided above, in the "Packages" section.) If an incoming publication is censored or its delivery is held up because it contains prohibited material, you will be notified within 24 hours of that decision. If you have a complaint regarding the receipt of your package you may either file a grievance or lodge a written complaint with the Board of Correction. If you choose to contact the Board of Correction, you will no longer be able to file a grievance. (Check the Section on Grievances)

Any personal property that you do not claim within **120 days** of your discharge from the Department is considered abandoned property and will be turned over to the Police Department or another agency for disposal. Upon your discharge from the department, you or someone you designate may return and claim your personal property. You must first call 311 and follow the directions for the information that will guide you on when to return. If you are transferred to another facility, your property will go along with you.

## **RADIO AND TELEVISION USE**

The Department is required to maintain an environment where the typical noise level does not interfere with normal human activities or present a threat to health or hearing. You may be asked to lower the volume of a radio or television.

Televisions are accessible in the dayroom during all lockout periods. If you are watching television in the day room, you will decide among yourselves what programs to watch. If you cannot decide and there is a problem, the Officer will make the decision for you.

## **RECREATION**

You will be permitted to have 1 hour of recreation daily. Recreation is available 7 days per week. You will have recreation outdoors except in extremely bad weather. When necessary for the safety and security of the institution, you may be given recreation by yourself and not with other inmates.

Your exercise period may be limited when it is determined that letting you exercise would cause a threat to the safety, security, or the good order of the jail, or any person's safety, security or health.

Any decision to limit your exercise period will be made by the Warden or his/her designee in writing, and will state the specific facts and reasons underlying such decision. A copy of this determination will be provided to you. Prior to such determination, you will be provided with written notice of:

- The specific charges against you
- The names and statements of the charging parties.

You will be given an opportunity to respond to the charges.

You will receive a copy of the written determination and a copy will be forwarded to the Board of Correction within 24 hours.

If the determination is based on a disciplinary proceeding you will be notified when you receive a copy of the "Notice to Inmate, Disciplinary Proceeding Disposition Form". A copy of that form will be forwarded to the Board of Correction within 24 hours.

Nothing in this procedure requires the Department to tell you the name of anyone who provided the Department with confidential information.

## **RELIGIOUS RIGHTS**

You are allowed to hold any religious belief and to be a member of any religious group or organization. However, you are not allowed to:

1. Try to compel another inmate to become part of a religious group or organization;
2. Try to convince another inmate not to exercise his/her religious beliefs;
3. Influence another inmate to stop being a member of any religious group or organization.

During lockout, periods when you are not in your cells, you are permitted to meet with facility chaplains in accordance with institutional procedures. Chaplains in your facility represent the four main faith groups. Catholicism, Judaism, Islam, and Protestantism. If your particular faith is not listed, speak to a Chaplain who will assist you. Chaplains are available for religious instruction, spiritual counseling, referrals to transitional services and discharge planning. A posting with the times of each service is available in your housing area.

When you first come into the Department, you will be asked what religion you belong to so the Department can make it easier for you to observe your religion. Once you have said what religion you prefer, you will be allowed to attend services only for that religion. If you want to change or establish a religious affiliation, you must submit an interview slip or have the housing area Officer contact the Chaplain of the desired faith. The Chaplain will interview you and either approve or disapprove the request. If the request is disapproved, you will be given the reason for the denial in writing.

In the event your religious preference is not represented by the four main faith groups; Catholicism, Judaism, Islam, and Protestantism, make a request to the Administrative Chaplain in your facility to receive a pastoral counsel visit with the clergy of your faith and the Administrative Chaplain will receive the necessary approval. All clergy visits shall last one hour in duration. You will be permitted to attend religious services with general population inmates unless you are found to pose a threat to the safety and security of the jail, including the likelihood that you will disrupt the service. If you did not indicate your faith group when you were admitted, you will not be allowed to attend religious services.

If the Department decides that you may not attend religious services with general population inmates, you will be told the reason at least 48 hours before the scheduled service.

If the Department learns information that causes it to decide that you may not attend that service less than 48 hours before the scheduled service, you will receive the notice less than 48 hours before the service. In that case, you have the right to receive a hearing and decision after the service, but within 48 hours after the determination was made that you could not attend.

If the Department receives such information less than 48 hours before the scheduled service, you will receive the notice, hearing and decision after the service.

You will be given the opportunity to challenge that determination before an impartial Adjudication Captain. You may appeal the Adjudication Captain's decision to the Board of Correction.

If the decision is upheld, you will receive a written notice giving the reasons for the decision and the length of time it will remain in effect.

You have the right to request reconsideration each week and to submit a written statement in support of your position. Your request will be considered by an impartial board or by the Warden, and you will receive a written reply.

Nothing in this procedure requires the Department to tell you the name of anyone who provided the Department with information on a confidential basis.

## SAFETY & VICTIMS' SERVICES

### General Safety Issues

You have the right to be safe in jail. When you came in to the Department's custody you were asked whether you knew any reason why you may be at risk or need special security or protection from the general inmate population, such as:

- Having been assaulted, harassed, or coerced, sexually or otherwise, while in custody or during prior jail time
- Having been perceived as being gay, transgender, a cross dresser, or visibly feminine (if housed in the male population)
- Any other reason.

Even if you did not say anything when you first came into custody, it is never too late to ask for help. If you feel unsafe for any reason at any time, be sure to tell your housing officer. You can also tell a chaplain, counselor, or any other staff.

The Department has many different ways to address your safety needs in general population. This can include separating you from a specific person or persons who are threatening you, or moving you to a different housing area or jail. The Department also has housing areas called **General Population Escort**, which can be cells or dormitories, where inmates who are at risk for some reason receive all the rights and privileges of general population, but are provided additional safety protections. In these areas, inmates are housed and are escorted whenever they leave their housing area. Except for the escorts, these units are just like regular general population housing areas.

The Department also has **Close Custody/Protective Custody housing**, where inmates are housed in cells and kept safe by keeping them from having physical contact with any other inmates. The inmates get all services individually, often in their cells. Inmates receive at least one hour of recreation and all showers, visits, etc, and also dayroom time. But while they will only be confined to their cells for as much time is necessary to keep them separated from other inmates, they may have to be in their cell for most of the day. This housing is used only when the Department decides that no other housing will meet your safety needs.

If you or the Department thinks you may need housing in general population escort or close custody/protective custody, you will be transferred to close custody/protective custody housing while the Department evaluates your housing needs. A decision will be made within 2 business days as to the type of housing that is best for you. If the Department decides that Close Custody/Protective Custody housing is necessary, you will be asked whether you consent to that housing. If you don't consent, you will have a hearing.

Whether you consent or not, everyone in close custody/protective custody is reviewed every 28 days to determine whether they still need to be in that housing, or can be moved to a less restrictive unit. **(See Close Custody for more information)**

**You can also help yourself remain safe by:**

- Carrying yourself in a confident manner

- Never accepting gifts or favors from others including food, drugs, tobacco or other contraband
- NEVER accepting offers from another inmate to be your protector
- Finding a counselor, member of the clergy or medical or mental health staff with whom you feel comfortable discussing your fears and concerns
- Being direct and firm if others ask you to do something you don't want to do
- Staying in assigned areas of the institution
- Trusting your instincts. If you sense that a situation may be dangerous, it probably is

### **Sexual Abuse**

The DOC has a zero-tolerance for sexual abuse. Any type of sexual conduct or behavior is against DOC rules. Other inmates, DOC employees or anyone who works or volunteers in a jail may not ask, demand, force or participate in any sexual act with you.

If staff has any sexual contact with you it is wrong and they will be disciplined, including possible termination, and may be criminally prosecuted. The Department will discipline and prosecute any inmate who demands, coerces or forces you to have sexual contact with him/her. If you consent to sexual contact with another inmate, that sexual contact is against Department rules and both of you will be disciplined.

### **What to do if you are the Victim of Sexual Abuse**

If you have been or are being sexually abused in any way, by inmates or staff, you should notify the Department immediately so that you can receive help. Tell your housing area officer. You can also tell the Department of Investigation (at 212-266-1900), medical or mental health services, a chaplain, counselor, or any other staff. No reprisals of any kind will be taken against you for good faith reporting of sexual abuse or sexual threats.

You should also report immediately if you have seen or heard about staff having sex with other inmates or if you have seen or heard about someone else being sexually assaulted or threatened by a fellow inmate or staff.

All allegations of sexual abuse are reported to appropriate law enforcement officials and will be thoroughly investigated. Sexual predators will be disciplined and prosecuted.

If you report that you have been sexually assaulted, you will be offered immediate protection and referred for a medical examination and mental health services. Medical staff will check you for the presence of physical evidence of assault. The examination will be conducted privately and professionally. Medical staff also will examine you for injuries that may not be apparent to you. They can also check you for sexually transmitted diseases and will provide appropriate treatment for any injuries, or if you test positive for any STD's. You can access all of these services even if you are too afraid to make a report. You don't need to make a report to obtain help or treatment. You will also be referred to a chaplain.

You may also report the abuse in writing, or at any time after it occurs, no matter how much time has passed; but any delay in reporting an incident will make investigating the incident far more difficult. It is therefore recommended that your written statement follow after an



immediate verbal report. Also you do not have to name your offenders but the more information you provide, the easier it will be for staff to help you.

Even though you may want to clean up after the assault, it is important to see medical staff **BEFORE** you shower, wash, drink, eat, change clothing or use the bathroom. Also, do not wash, destroy or discard the clothes and underwear you had on at the time of the assault, as these items may be used to collect evidence.

### **Counseling for Victims of Sexual Abuse:**

People need help to recover from the emotional effects of sexual abuse. If you are a victim of sexual abuse while in jail, or if you were victimized in the past, professional medical and mental health staff are available to provide treatment, as are facility chaplains. Ask your housing officer or counselor for a referral.

## **SANITATION**

You must keep your cell and housing area clean. The Department will provide each housing area with enough brooms, mops, soap powder or detergent, and other materials to clean and maintain the housing area, as long as providing those materials does not threaten the safety and security of the jail. Everyone in the housing area is expected to participate in keeping it clean.

## **SIGNIFICANT FAMILY EVENTS**

If you want to attend the funeral or wake of a family member or significant other (Eligible family members include: Parents, parents-in-law, grandparents, brothers, sisters, guardians and former guardians, children, grandchildren, children-in-law, spouses, including domestic partners if proof of relationship can be supplied, ancestral uncle or ancestral aunt,) or to visit a seriously sick relative on that list, you may ask the Department to allow you an escorted visit. You must provide proof of your relationship to the sick or deceased relative. The Chief of the Department or his/her designee will allow you to attend unless the Department determines that you are a security risk.

The Counseling Unit in your jail can help you try to get the permission you need to attend such events.

You will wear civilian clothes when attending funerals or wakes or visiting sick relatives.

You may not attend both the funeral and wake of the same person. The Chief of Department or his/her designee will consider your request to attend either the funeral or the wake but will make a final decision based on legitimate security concerns.

You may visit once with any of the above listed relatives in a hospital or similar institution when that person is very likely to die as a result of an illness or accident, and if there is no medical reason for you not to go. It will be up to the Chief of Department or his/her designee to decide if the circumstances justify your having a second visit.

You, a friend or relative, or the court that is preparing the orders to let you go to this event must give the Department the following information:

- Name of person who is sick, deceased, or to be visited
- That person's relationship to you and proof of the relationship (for example, a birth certificate, visit records, etc.)
- Verification of death
- Date and time of funeral, wake, or services, and address and telephone number of the funeral parlor, place of worship or other location.
- If your family cannot get the proof of your relationship to the sick or deceased relative to the jail where you are housed, they may take the proof to any jail's General Office or to the Samuel Perry Control Building on Rikers Island. The General Office will fax the documents to the Counseling Unit of your jail.

You will be allowed to spend a reasonable amount of time at the funeral service or hospital visit, but no more than 1 hour. If you are visiting a very sick person, the length of your visit may be limited by the treating physician or the rules of the hospital.

You will be provided with an explanation for denials of requests to make any of the visits described in this section.

If the visit is within the five boroughs of New York City, all documentation is in order and approval is provided by the Chief's Office then you will be escorted according to DOC's policies.

Out of state visits are not allowed.

### **Marriages**

If you want to get married while you are incarcerated, you may get an application form from a Counselor in your facility. After you return the completed form to the Counseling staff, you will be scheduled to see the New York City Marriage Clerk to complete the Marriage License Application Form.

Once the form is submitted, your intended spouse needs to report to City Hall, pay a license fee and sign the application. The marriage date is set with counseling staff after coordination with the minister. The Counselor in your facility will communicate with you, and will contact a licensed minister who will visit your facility and perform the marriage ceremony. You must pay the fee that is set by the minister. You are permitted to release funds from your account for payment. The Counselor will also provide you with a form "Release of funds Form" for you to complete with the amount that will be transferred to the minister for his services.

## **SMOKING BAN**

Smoking and tobacco related products are prohibited in all Department of Correction facilities. If you are found with any tobacco-related products you will be subject to discipline and possible arrest.

Tobacco related products include items like cigarettes, cigars, loose tobacco, chewing tobacco, and lighting materials such as matches or lighters.

If you experience nicotine withdrawal (sickness or discomfort because you are not able to smoke cigarettes), you can sign the daily sick call sheet in your housing area for medical services and/or counseling. You may be able to receive a nicotine patch from medical staff, which can help you with your nicotine withdrawal.

## **SUICIDE PREVENTION**

If you feel like hurting yourself, or you're feeling very depressed, or you think you might commit suicide, ask to see Mental Health Services immediately.

The Department of Correction is also asking you to help prevent other inmates from committing suicide. If you believe that another inmate is thinking about killing him or herself, please tell your housing area officer or any Department or medical staff member immediately.

Here are some ways that you can tell that someone might be thinking about committing suicide. He/She may:

- Begin giving things away or saying goodbye
- Try to hurt themselves
- Make threats to kill themselves
- Become depressed
- Have recently experienced the loss of someone close
- Had a romantic relationship end
- Received bad news through a visit or a telephone call.

People who may be at risk for suicide often show these signs after a visit, after court, after mail call, during the holidays, after phone calls, during the change of tour, on the midnight tour, or as a new admission. While the signs may also appear at other times, it is important to pay close attention at these times, as well.

## **TELEPHONE CALLS**

You may make telephone calls during all periods when you are not locked in your cell. Emergency calls may be made at any reasonable time. If you must make an emergency call to a number outside the United States, you may arrange with the facility's counseling staff to

make that call collect. If those staff are not available, you may arrange the call through the facility chaplain.

If you receive an emergency telephone call, you will be allowed to take the call or a message will be taken for you and you will be permitted to return the call as soon as possible.

You are permitted to receive incoming calls from your attorney(s) of record regarding pending civil or criminal proceedings (including court-ordered telephone calls) or a message will be taken for you and you will be permitted to return the call as soon as possible.

If you are a detainee, you will be permitted to make one completed local telephone call at the Department's expense upon your admission to an institution. Long distance telephone calls must be made collect or at your expense.

If you are a detainee and have funds in your commissary account when you make telephone calls the cost of the call will be deducted from your account. If you have no funds in your commissary account you may make three (3) telephone calls per week unless you are housed in punitive segregation. The Department will pay for these calls provided they are local and are each no longer than six (6) minutes long. **The Department will withdraw the amount that you would have paid for those calls from any funds that are put in your commissary account afterwards, or if you are re-incarcerated and housed in a New York City Department of Correction facility. Long distance telephone calls must be made collect or at your expense.**

If you are a sentenced inmate, you may make up to two (2) local phone calls each week to 212 or 718 area codes unless you are housed in punitive segregation, and if you have funds in your commissary account the cost of the call will be deducted from those funds. If you have no funds in your commissary account, the Department will pay for these calls provided they are local. These calls will be cut off after six minutes. **The Department will withdraw the amount that you would have paid for those calls from any funds that are put in your commissary account afterwards, or if you are reincarcerated. Long distance telephone calls must be made collect or at your expense.**

If you are in punitive segregation, you may make only one (1) free telephone call each week, excluding calls to your attorney or your attorney's office. Your telephone rights may be limited if the Department decides that your using the telephone is a threat to the safety or security of the institution, or if you are abusing written telephone regulations. If the Department decides to limit your telephone rights you will receive a written decision that states specific facts and reasons underlying that decision.

If you receive a decision limiting your telephone rights you may appeal that decision to the N.Y.C. Board of Correction. You must write to the Board of Correction and the Warden or Commanding Officer of the facility to tell them of your intent to appeal the determination. Note that you may first file a grievance, but if you appeal to the Board of Correction, your grievance request will not be considered.

All calls, except for calls with your attorney or other privileged calls, may be monitored and/or recorded by the Department for security purposes. In order for your attorney and other privileged calls not to be monitored you must provide the Department with the phone numbers to which calls should not be monitored, and the Department will check that those numbers belong to attorneys or other persons with privileged contact with you. Your use of the telephone in a Department facility constitutes your implied consent to such monitoring.

## VISITS

If you are a detainee, you are entitled to three (3) visits per "visit week" (i.e. Wednesday through Sunday) including at least one (1) visit on an evening or weekend. If you are a sentenced inmate, you are entitled to two (2) visits per "visit week", including at least 1 visit on an evening or weekend. Visits will last up to one hour. Additional visits for detainees and sentenced inmates will be provided in cases involving special needs, including but not limited to emergency situations and/or visits involving lengthy travel time.

Detainees and sentenced inmates are allowed to visit with up to three (3) visitors at the same time, without getting the facility's approval, but the number can be limited by the Facility for reasons such as lack of space. If there is a need, you may make a written request to the Warden to visit with more than three (3) visitors during one visit.

Any person that has been properly identified by the Visit Officer by showing valid identification, and who is 16 years of age or older will, with your consent, be permitted to visit.

Children under the age of 16 may visit, provided they are accompanied by a properly identified adult at least 18 years of age, who must remain with them for the duration of the visit. A person 16 or 17 years old may visit, but cannot act as an adult to accompany visitors under the age of 16 unless they are the parent of the child, and the inmate being visited is also the parent of the same child.

Any inmate is entitled to receive a visit within 24 hours after his/her initial admission to the Department's custody.

Visit schedules are posted in the visit rooms of each institution. In addition, the Department provides a means through which visitors may, by telephone, obtain current information about the visiting program, the jail in which you are housed, whether you will be available for a visit on a particular day, and how to reach the facility. The telephone number to call to obtain this information is **(718) 546-0700**. **Information is also available on the web at [www.nyc.gov/visit](http://www.nyc.gov/visit)** Visitors with disabilities will be accommodated. Para-Transit vehicles are available to transport your visitors from the Control Building to your facility.

Your right to visit with a particular visitor may be denied, revoked or limited if the Department decides that your visiting with that visitor is a threat to the safety or security of visitors or the institution. This determination will be made by the Deputy Warden for Programs who will provide written notification and specific charges to you and your visitor.

Visitors are not permitted to bring into a jail any contraband, including illegal drugs, weapons, tobacco, and anything else that you are not permitted to have in the jail. Your visitors will be searched when they come to visit you, and they will be arrested if they are found with contraband. In addition they may not bring beepers, cell phones, cameras, recording devices, or any other electronic devices, or chewing gum. Lockers are available in front of the main Visit House where visitors can store these items before entering a departmental facility. In the Borough facilities, there are also lockers available at the facility's front gate where visitors can store the items listed above.

Your right to a contact visit may be denied, revoked, or limited when it has been determined that such visits constitute a serious threat to the safety or security of the jail. If the Department decides to deny, revoke, or limit your right to contact visits, you will have the opportunity to have the same number of visits in some other way, including but not limited to

non-contact visits. Before that decision is final, you will be provided with written notification of the specific charges and be afforded an opportunity to respond.

Contact visits between you and all of your visitors throughout the visiting period include holding hands, holding young children and kissing. For non-contact visits, you will speak with your visitor from a booth.

If either your privileges or your visitor's privileges have been denied, revoked or limited, you may appeal to the N.Y.C Board of Correction Any person doing so must give notice in writing to the Board of Correction and to the Warden of the facility. You may first file a grievance, but if you appeal to the Board of Correction as your first choice then you cannot go back and file a grievance.

## VOTING

**1. YOU MAY VOTE while you are in jail unless:**

- a. You are now serving time for a felony conviction\*;
- b. You are now on parole for a felony conviction\*; or
- c. You are under 18 years old or not a U.S. citizen

\*Your right to vote will be returned automatically when you finish your maximum prison sentence or are discharged from parole.

**2. TO VOTE** while you are in jail, you must register to vote during the required time period that will be announced on Posters in your housing areas.

**3. TO REGISTER TO VOTE:**

Voter Registration Forms are available in the Connections Book, the programs area, the chaplains' office, counseling unit, grievance office, the law library, and the program wagon. Fill out a Voter Registration form.

**4.** You should put your permanent home address on the registration form, not the address of a correction facility. After you fill out the form, put it in the Outgoing Mailbox. This form does not need a stamp.

**5. All voting in jail is by absentee ballot.** Absentee Ballot Applications are provided to all facilities prior to each primary and general election. They are available in the program area, the chaplains' office, counseling unit, grievance office and the law library. You must complete and mail applications to the Board of Elections by the due date. The Board of Elections will review their records and determine if you are eligible to vote. If you are eligible, they will issue an absentee ballot that will be delivered to you at the facility. You must complete the ballot and mail it back to the Board of Elections observing the deadline.

Signs are posted in the above areas to let you know when there is an election and the date when voter registration forms, absentee ballot applications and voting ballots must be returned.



New York City Department of Correction



RB: A No

Inmate  
**RULE  
BOOK**

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- 10/12/2007 -



CITY OF NEW YORK  
DEPARTMENT OF CORRECTION

Adopted Amendments to the  
Inmate Rule Book

Section 1 Chapter 1 of title 39 of the Rules of the City of New York is REPEALED, and a new Chapter 1 is added to read as follows

CHAPTER 1  
INMATE RULE BOOK

§ 1-01 Introduction

This chapter sets forth rules relating to inmates of New York City Department of Correction ("Department") facilities. All inmates will also be provided separately with detailed information relating to their incarceration, including the subjects covered in section 1-02 of these rules.

§ 1-02 Rights and Privileges

(a) Property

When you first come to jail, any property that is taken from you that involves a criminal offense may be forwarded to the appropriate law enforcement agency for possible criminal prosecution and subject you to disciplinary action. Property taken from you that does not involve a criminal offense will be identified, receipted, stored and returned to you after your discharge from Department custody. Upon incarceration, you will be given more information about what property may be kept in jail and how to get other property back after discharge.

(b) Recreation

The Department may limit your right to participate in recreation for a security related reason in accordance with State Commission of Correction standards (9 NYCRR § 7028.6). Upon incarceration, you will be given more information about how and when the Department can limit recreation.

(c) Religious rights

You may attend religious services with general population inmates unless you are found to pose a threat to the safety and security of the institution, including if the Department finds it likely that you will disrupt the service. Upon incarceration, you will be given more information about your religious rights in jail in accordance with New York City Board of Correction standards (§ 1-08).

(d) Telephone calls

The Department may limit your telephone calls if they constitute a threat to institutional safety or security, if you abuse the telephone regulations or in accordance with a court order. Upon incarceration, you will be given more information about your rights to telephone calls.

If you are affected by a determination made pursuant to this subdivision, you may appeal such determination to the New York City Board of Correction by providing written notice. Written notice must also be provided to the Department of Correction and the Facility. You may also submit any additional relevant materials for the Board's consideration. The Board will issue a written response upon the appeal within five (5) business days after receiving the appeal.

(e) Visits.

The Department may revoke, deny or limit your contact visits if they constitute a serious threat to institutional safety or security. Upon incarceration, you will be given more information about your right to visits and the permitted schedules of those visits.

If you are affected by a determination made pursuant to this subdivision, you may appeal such determination to the New York City Board of Correction and to the Commanding Officer by providing written notice. You may also submit any additional relevant materials for the Board's consideration. The Board, or its designee, will issue a written decision upon the appeal within five (5) business days after receiving notice of the requested review.

**§ 1-03 Rules of Conduct**

(a) Introduction

This section sets forth the behavior that is prohibited in Department of Correction ("Department") facilities. The grade of each offense is listed. The acts of conspiracy, attempt, and accessory will be punishable to the same degree as the actual offense involved.

(b) Definitions

(1) "Accessory" shall mean assisting in any way in the violation of a Department rule, before, during or after such violation.

(2) "Any person" shall include, but not be limited to, uniformed and civilian Department staff, medical staff, contractors and their employees, volunteers, visitors and inmates.

(3) "Attempt" shall mean any act that is intended to and tends to lead to a violation of a Department rule.

(4) "Contraband" shall mean any item that is not sold in the commissary, that is not on the approved list of permissible items, that is possessed in more than the approved amount, or that the inmate does not have permission to possess. Contraband includes items that may disrupt the safety, security, good order and discipline of the facility. Any item that is illegal for an individual not on Department property to possess is also illegal to use or possess on Department property. Possession of contraband may subject an inmate to criminal prosecution as well as disciplinary action. Any person who tries to introduce contraband into a facility may also be subject to criminal prosecution.

(5) "Conspiracy" shall mean an agreement between one or more persons to violate a Department rule.

(6) "Good Time" shall mean a discretionary reduction of up to one third of the term of commitment for a definite sentence or certain civil commitments, as allowed by the New York State Correction Law.

(7) "Security Risk Group" shall mean persons such as gang members, intended or actual contraband recipients, and weapons carriers or users, whose actions violate laws or established rules of conduct, or persons who belong to groups whose purpose is antithetical to established law enforcement authority.

(8) "Unauthorized group" shall mean five or more inmates remaining in close physical proximity to each other when not authorized to do so by Department personnel.

(c) Prohibited conduct.

(1) Arson (setting fires)

Grade I:

100.10. An inmate is guilty of arson when he or she intentionally starts or attempts to start any fire or causes or attempts to cause any explosion.

(2) Assault and Fighting

Grade I:

101.10. An inmate is guilty of assault on staff when he or she injures or attempts to injure any staff member, or when he or she spits on or throws any object or substance at any staff member. Assault or attempted assault on staff is always a Grade I offense.

101.11: An inmate is guilty of Grade I assault when he or she injures any other person, or when he or she spits on or throws any object or substance at any other person.

101.12. An inmate is guilty of Grade I assault on an inmate when he or she injures any other inmate, or when he or she spits on or throws any object or substance at any other inmate.

101.13. An inmate is guilty of assault with a weapon when he or she uses any item to assault or attempt to assault any person.

101.14. An inmate is guilty of Grade I fighting when he or she engages in a physical struggle with another inmate that results in injury to any person.

Grade II:

101.16. An inmate is guilty of Grade II assault when he or she attempts to injure any person other than a staff member, without using a weapon, but does not cause injury.

101.17: An inmate is guilty of Grade II fighting when he or she engages in a physical struggle with another inmate that does not result in injury.

Grade III:

101.18: An inmate is guilty of Grade III fighting when he or she engages in a non-violent physical struggle with another person such as horseplay, boxing, wrestling or sparring.

(3) Bribery

Grade I:

102.10. An inmate is guilty of bribery when he or she gives or attempts to give any benefit, including but not limited to money or valuable items, to any person, with the intent of influencing that person's conduct or obtaining a benefit for himself or herself.

(4) Contraband

Grade I:

103.05: Inmates shall not possess any tobacco-related products including, but not limited to, cigarettes, cigars, loose tobacco, chewing tobacco, rolling paper, matches and lighters.

103.07: Inmates shall not sell, exchange or distribute tobacco-related products including, but not limited to, cigarettes, cigars, loose tobacco, chewing tobacco, matches and lighters

103.08: Inmates shall not make, possess, sell or exchange any amount of alcoholic beverage.

103.10: Inmates shall not make, possess, sell or exchange any type of contraband weapon. Any object that could be used as a weapon may be classified as a weapon.

103.10.5: Inmates shall not possess or transport a Department-issued razor outside the housing area

103.10.6: Inmates shall return all Department-issued razors after shaving is completed, in accordance with Department or facility procedures. Razors shall be returned in the same condition as received, for example, blade and handle shall be intact.

103.11: Inmates shall not make, possess, sell, give or exchange any amount of narcotic, narcotic paraphernalia, or any other controlled substance.

103.12: Inmates shall not make, possess, sell, give or exchange any type of escape paraphernalia. Where there is the likelihood that an item can be used to aid an escape, it may be classified as escape paraphernalia. Keys, possession of identification belonging to another person, or fictitious person, transferring an inmate's identification to another, possession of employee clothing, or any other articles which would aid in an escape, or which suggest that an escape is being planned, are contraband

103.12.5: Inmates shall not possess any type of electronic telecommunication and/or recording device or any part of such instrument, which is designed to transmit and/or receive telephonic, electronic, digital, cellular or radio communications. The term "telecommunication device" shall include, but not be limited to, any type of instrument, device, machine or equipment which is designed to transmit and/or receive telephonic, electronic, digital, cellular or radio signals or communications or any part of such instrument, device, machine or equipment as well as any type of instrument designed to have sound, or image recording abilities and shall include, but not be limited to, a cellular or digital phone, a pager, a two-way radio text messaging or modem device (including a modem equipment device), a camera, a video recorder and a tape or digital recording device, or any other device that has such capabilities. (Radios sold in commissary are excluded from this prohibition.) Inmates shall not possess any type of device or any part of such instrument designed to have sound and/or image recording or capturing capabilities. Such devices shall include, but not be limited to, cameras (digital or film), video recorders, and tape or digital recording devices. Inmates are also prohibited from possessing any type of phone or battery charger, or A/C adapter for any electronic device prohibited by this rule.

103.12.6: Inmates shall not possess any contraband with intent to sell or distribute such contraband.

103.12.7: An inmate is guilty of the offense of Possession of Contraband Grade I when such inmate possesses money whose value exceeds twenty (20) dollars in cash or checks. Money confiscated as contraband will be deposited in the City's treasury and will not be returned to the inmate.

Grade II:

103.13 Inmates shall not sell or exchange prescription drugs or non-prescription drugs. Inmates shall not possess prescription drugs that they are not authorized by medical staff to possess.

103.13.5 Inmates shall not possess prescription or non-prescription drugs in quantities in excess of that authorized by medical staff. Inmates are not authorized to possess expired prescription medication or drugs.

103.13.6 Inmates are not authorized to possess any drug that by prescription, or by medical order, must be ingested in view of Department and/or medical staff.

103.13.7. Inmates shall not possess more than one Department-issued razor.

103.14: Inmates shall not make, possess, sell, exchange, use or display any item that identifies the inmate as a member or associate of a Security Risk Group or of a gang. Articles of religious significance that are Security Risk Group identifiers shall only be considered contraband if they are displayed. Incidental or inadvertent exposure of the item (for example, while showering, saying the rosary or other religious observance, dressing or undressing or sleeping) shall not be considered "display" under this rule.

103.15: An inmate is guilty of the offense of Possession of Contraband Grade II when such inmate possesses money not in excess of twenty (20) dollars, or checks or credit cards. Money confiscated as contraband will be deposited in the City's treasury and will not be returned to the inmate.

Grade III

103.16: Inmates shall not possess unauthorized hobby materials, art supplies or tattooing equipment, or writing implements.

103.17 Inmates shall not possess unauthorized amounts of jewelry, clothing, food, or personal property

103.18: Inmates shall not possess unauthorized amounts of City-issued property

103.19 Inmates shall not possess any other unauthorized items not specifically listed within this section

(5) Count Procedures

Grade II

104.10: Inmates shall not intentionally cause a miscount.

104.11. Inmates shall not intentionally delay the count.

(6) Creating a Fire, Health or Safety Hazard

Grade II

105.10: Inmates shall not create a fire hazard, health hazard, or other safety hazard

105.11: Inmates shall not tamper with any fire safety equipment.

105.12 Inmates shall not cause any false alarms about a fire, claimed health emergency, or create any kind of disturbance or security problem.

105.13: Inmates shall not flood any living area or other area in the facility.

Grade III:

105.14: Inmates shall not store food in their housing area or any work place, except food items bought in the commissary, which must be stored in the food containers provided.

105.15 Inmates shall not litter, spit, or throw garbage or any kind of waste or substance.

105.16: Inmates shall follow all local facility rules relating to fire, health or safety.

105.17: Inmates shall clean their cell or living area, toilet bowl, sink and all other furnishings every day. They must keep their cells and beds neatly arranged. Before leaving their cells or living areas for any purpose, they must clean their cells or areas and make their beds.

105.19: Inmates shall not obscure, block, obstruct, mark up, write on, or post any pictures or place any other articles on Department property, including any walls, windows, cells, or lighting fixtures.

105.20: Inmates shall not cook in any living area, including any cell.

105.22: Inmates must keep themselves and their clothes clean.

105.24: Inmates shall not block the view into or out of any cell by putting anything on the bars of the cell or on any cell door, cell door window or cell window, in a manner that would obstruct the view into or out of the cell.

(7) Demonstrations

Grade I:

106.10: Inmates shall not lead, attempt to lead or encourage others to participate in boycotts, work stoppages, or other demonstrations that interrupt the routine of the facility.

106.11: Inmates shall not participate in boycotts, work stoppages, or other demonstrations.

(8) Destruction of Property

Grade I:

107.10: An inmate is guilty of the offense of Destruction of Property Grade I when such inmate misuses, defaces, or destroys City property, or private property belonging to another, with a value greater than one hundred dollars (\$100.00).

Grade II:

107.11: An inmate is guilty of the offense of Destruction of Property Grade II when such inmate misuses, defaces, or destroys City property, or private property belonging to another, with a value between ten dollars (\$10.00) and one hundred dollars (\$100.00).

Grade III:

107.12: An inmate is guilty of the offense of Destruction of Property Grade III when such inmate defaces or destroys City property, or private property belonging to another, with a value of ten dollars (\$10.00) or less.

(9) Disorderly Conduct

Grade III:

108.10: Inmates shall not shout out to, curse, use abusive language, or make obscene gestures towards any person.

108.11: Inmates shall not behave in a loud and noisy manner.

(10) Disrespect for Staff

Grade I:

109.10: Inmates shall not physically resist staff members.

109.11: Inmates shall not harass or annoy staff members by touching or rubbing against them.

Grade II:

109.12. Inmates shall not verbally abuse or harass staff members, or make obscene gestures towards any staff members

(11) Disrupting Institutional Programs

Grade II

110.10: Inmates shall not interfere with or disrupt institutional services, programs, or special activities.

(12) Escape

Grade I:

111.10 Inmates shall not escape or aid others to escape, or attempt to escape or aid others to escape. Exiting Department property, a Department facility, or vehicle without permission from Department staff is an escape.

(13) Extortion

Grade I:

112.10. Inmates shall not make threats, spoken, in writing or by gesture, against a staff member for the purpose of obtaining any benefit.

Grade II:

112.11 Inmates shall not make any threats, spoken, in writing or by any gesture, against any person other than a staff member for the purpose of obtaining any benefit

(14) False Statements

Grade II:

112.50: Inmates shall not provide to Department officials, or officials from other governmental entities, false oral or written statements for any purpose

(15) Gambling

Grade III:

113.10 Inmates shall not engage in any form of gambling.

(16) Hostage Taking

Grade I:

114.10: Inmates shall not take or hold any person hostage.

(17) Identification Procedures

Grade III:

115.10: Inmates shall carry and display their Department ID cards clipped onto the outermost garment at all times when outside their cell or sleeping quarters.

115.11: Inmates shall promptly produce their Department ID cards at the direction of any staff member

115.12: Inmates shall report the loss of their ID cards promptly to appropriate staff members. Inmates shall be charged a fee of \$6.00 for a new identification card with or without a clip. There will be no charge for the clip alone.

(18) Impersonation

Grade I

116.10. Inmates shall not impersonate any staff member in any way.

Grade II

116.11. Inmates shall not impersonate another inmate or any other person in any way

(19) Inmate Movement

Grade II

117.10. Inmates shall follow facility rules and staff orders relating to movement inside and outside the facility, including, but not limited to, rules and orders dealing with seating, lock-in and lock-out

Grade III

117.11: Inmates shall not be out of their assigned area, including being in a cell to which they are not assigned, nor shall inmates leave an assigned area such as a work area or program area, without authorization

(20) Purchase, Sale or Exchange of Services or Property

Grade III

119.10: Inmates shall not sell, buy or exchange services or personal property with any other inmate without permission

(21) Refusal To Obey a Direct Order

Grade II

120.10: Inmates shall obey all orders of Department staff promptly and completely. It shall be a Grade II offense to fail to obey the following orders: to stop fighting with or assaulting another person, to be frisked, to have a cell searched, to be locked-in and/or locked-out, to disperse an unauthorized assembly, to identify oneself, to go to court, and to cooperate in admission procedures. It shall be a Grade II offense to fail to obey any order given to an inmate when the inmate is outside the facility, and when any order is given in any emergency situation.

Grade III

120.11. It shall be a Grade III offense to refuse to obey any other staff order promptly and completely

(22) Rioting

Grade I

121.10. Inmates shall not take any action with the intention of taking control over any area of any facility. Inmates in groups must not use or threaten violence against any person or property.

121.12. Inmates shall not encourage or in any way persuade other inmates to take any action in order to take control over any area of the facility, or to use or threaten violence against any person or property

(23) Sex Offenses

Grade I



122.10: Inmates shall not force or in any way coerce any person to engage in sexual activities.

Grade II

122.11: Inmates shall not voluntarily engage in sexual activity with any other person

122.12: Inmates shall not expose the private parts of their bodies in a lewd manner

Grade III

122.13: Inmates shall not request, solicit or otherwise encourage any person to engage in sexual activity

(24) Smuggling

Grade I:

123.10: Inmates shall be guilty of Grade I smuggling if, by their own actions or acting in concert with others, they smuggle weapons, drugs or drug-related products, alcohol, tobacco or tobacco related products, or escape paraphernalia into or out of the facility

Grade III:

123.11: Inmates shall be guilty of Grade III smuggling if, by their own actions or acting in concert with others, they smuggle contraband other than that listed in section 123.10 of these rules

(25) Stealing, Possession of Stolen Property

Grade II

124.10: Inmates shall not steal property belonging to any other person or to the City whether that property is of any or no monetary value.

Grade II:

124.11: Inmates shall not possess property belonging to any other person or to the City whether that property is of any or no monetary value

(26) Tampering With Documents

Grade II:

125.10: Inmates shall not destroy, tamper with, change, counterfeit, or give other inmates any institutional documents, passes or ID Cards

125.11: Inmates shall not forge the signature of staff, an inmate, or any other person on any documents, institutional or otherwise

(27) Tampering With Security Devices

Grade I:

126.10: Inmates shall not tamper with, destroy, or sabotage any security related devices or equipment.

(28) Threats

Grade I:

127.10 Inmates shall not make any threat whether spoken, in writing, or by gesture, against any staff member.

Grade II:

127.11 Inmates shall not make any threat whether spoken, in writing, or by gesture, against any person other than a staff member.

(29) Unauthorized Assembly

Grade I:

128.10 Inmates shall not gather in unauthorized groups anywhere

(30) Refusal to Provide Sample for DNA Bank

Grade 1.

129.10 Inmates shall not refuse to provide a DNA sample if they meet the criteria as set forth in Article 49-B of the New York State Executive Law qualifying a person as a designated offender. A designated offender is a person convicted and sentenced for charges specified in subdivision seven (7) of § 995 of Article 49-B of the New York State Executive Law, including, but not limited to Sex Offenses, Drug Offenses, and Dangerous Weapons Offenses.

(31) Refusal to Provide Sample for Random Drug/Alcohol Testing

Grade I.

130.10 Inmates shall not refuse to provide a urine, hair, saliva, or other sample, according to the Department's policy and procedures, when they have been notified by the head of the facility or his/her designee that they have been selected for drug/alcohol testing, whether by random selection or based on reasonable suspicion

(32) Testing Positive for Alcohol or Illegal Drugs/Substances

Grade I:

130.11 Inmates shall not test positive for nor be found under the influence of alcohol or illegal drugs/substances

Grade I.

130.12 Inmates shall not adulterate or tamper with, or attempt to adulterate or tamper with a urine sample or offer as their own a urine sample of another individual.

(33) Acts of Hate

Grade I.

131.00 Inmates shall not engage in acts of hate against any person due to a belief or perception regarding such person's race, color, national origin, affiliation with any group, religion, religious practice, age, gender, disability, or sexual orientation.

131.10 Any action that targets a person or group in a negative and or hostile manner is strictly prohibited. Inmates shall not intentionally commit any verbal and or physical offense against staff, inmates, or visitors, in whole or substantial part based on the other person's or persons' race, religion, color, national origin, group affiliation, age, gender or sexual orientation

#### § 1-04 Hearing Procedures

This section sets forth hearing procedures.

(a) General procedures

(1) When you are placed against your will in any of the most restrictive security categories, including punitive segregation, you will be given written notice of

- (i) The reasons for the designation
- (ii) The evidence relied upon. The Department is not required to provide you with the source of confidential information.
- (iii) The right to a hearing before an impartial Adjudication Captain appointed from the Adjudication Unit.
- (iv) Your rights at the hearing

(b) Disciplinary hearing procedures

(1) Pre-Hearing Detention (PHD)

Where you are placed in Pre-Hearing Detention (PHD) prior to your disciplinary hearing, the infraction hearing will be completed within three (3) business days of your transfer to PHD. If the infraction hearing cannot be completed within three (3) business days, the Adjudication Captain will assess whether it is likely that a hearing will be completed within another three (3) business days. PHD placement may be extended once for a maximum of another three (3) business days. If the hearing is not completed within that time the Chief of Facility Operations or his/her designee shall determine whether you should be placed in Close Custody.

(2) Disciplinary Infraction Hearings

If you are not placed in PHD, the infraction hearing will take place within three (3) business days after you receive written notice, unless any further delay is justified in accordance with Directive 6500R-B III.C 2.

Hearings may be held in absentia (that is, without you present) only under the following circumstances.

- (i) You are notified of the hearing and refuse to appear, or
- (ii) You appear and are extremely disruptive, causing a situation, which is unduly hazardous to institutional safety, and necessitating your removal from the hearing room (thus constituting a constructive refusal to appear).

When either of these situations arises, the justification for holding the hearing in absentia shall be clearly documented in the Adjudication Captain's decision.

(3) If you request a hearing you have the following rights:

- (i) To personally appear.
- (ii) To make statements
- (iii) To present material, relevant, and non-duplicative evidence.
- (iv) To have witnesses testify at the hearing, provided they are reasonably available and attending the infraction hearing will not be unduly hazardous to the institutional safety or correctional goals.
- (v) If you are illiterate or if your case is very complicated, you have a right to be helped by a "hearing facilitator" (not a lawyer).
- (vi) If you do not understand or are not able to communicate in English well enough to conduct the hearing in English, you have a right to an interpreter.

(vii) You have a right to appeal an adverse decision.

(c) Close Custody and Close Custody/Protective Custody

(1) If you are transferred to close custody (CC), including protective custody (CC/PC), the Department will determine within two (2) business days whether you should continue in such housing. If you do not consent to a decision to continue CC or CC/PC placement, you will be provided with written notice as set forth in §1-04(a)(1).

(2) The hearing will be held no sooner than 24 hours and no later than three (3) business days after you receive the written notice of your Close Custody security designation, unless an adjournment is required or for one of the reasons set forth in Directive 6006R-C III, E, 8.

(3) The Adjudication Captain will recommend whether you should remain in CC or CC/PC to the Chief of Facility Operations in writing within one (1) business day after the hearing. You will receive a copy of the decision of the Chief of Facility Operations or designee.

(4) If you are placed in CC or CC/PC, the Department will review your case every twenty-eight (28) days to see if you should remain in CC or CC/PC. You will be notified in writing of the results of that review.

(5) If you request a hearing you will have the following rights.

- (i) To personally appear.
- (ii) To be informed of the evidence against you that resulted in the designation.
- (iii) The opportunity to make a statement.
- (iv) To call witnesses, subject to the Adjudication Captain's discretion.
- (v) To present evidence.
- (vi) The right to a written determination with reasons.

(d) Miscellaneous

(1) If you are illiterate, if your case is very complicated, or a pre-hearing transfer has restricted access to potential witnesses, you have a right to be helped by a "hearing facilitator" (not a lawyer). In hearings other than disciplinary infraction hearings, the Department may in its discretion allow you to have a lawyer present who is willing to represent you.

(2) If you do not understand English an interpreter will be provided.

(3) The proceedings of the hearing are recorded.

**§ 1-05 Penalties**

(a) Introduction

If you are found guilty of violating a Department rule of conduct, your penalty will depend on the seriousness of your offense. Grade I offenses are the most serious and Grade III offenses are the least serious. The penalty will also depend on the facts and circumstances of your case. If you have a good explanation or justification for your actions – what is known as "mitigating circumstances" – you may receive a less severe penalty.

Any of the penalties set forth below, or a combination of them, may be imposed on you for violating Department rules of conduct.

(b) Reprimand

You may lose one or more privileges, temporarily or permanently, except that

- (i) You will not be deprived of the right to receive visitors, although contact visits may be replaced with non-contact visits.

- (ii) You will not be deprived of the right to send or receive mail.
- (iii) You will not be deprived of the right to contact legal counsel.
- (iv) You will not be deprived of the right to have recreation as a sanction for an infraction.

(c) Loss of Good Time

If you are sentenced and serving your time in a Department facility, you may lose good time.

- (i) You may lose all your good time for a Grade I offense.
- (ii) The maximum that you can lose for a Grade II offense is two-thirds of all of your good time.
- (v) The maximum that you can lose for a Grade III offense is one-third of all of your good time.

(d) Punitive Segregation

(i) The maximum period of punitive segregation for a Grade I offense is ninety (90) days for each disciplinary charge.

(ii) The maximum period for a Grade II offense is twenty (20) days for each disciplinary charge.

(iii) The maximum period for a Grade III offense is ten (10) days for each disciplinary charge.

(e) Restitution

If you are found guilty of damaging or destroying City property, you may be ordered to pay restitution, which can be as much as the replacement cost of the item or property, plus the labor costs of fixing or replacing the item you damaged or destroyed. If you are found guilty of an assault that causes a need for medical services, you can be ordered to make a restitution payment towards the cost to the City of providing such medical services.

(f) Repeated offenses

The third time you are found guilty of a rule of conduct violation for the same offense during the same period of incarceration, you may be sentenced to a penalty that applies to the next higher grade of offenses. For example, the third time you are found guilty of violating a specific Grade III offense during the same period of incarceration, you may be given a Grade II penalty. Similarly, the third time you are found guilty of violating a specific Grade II offense during the same period of incarceration, you may be given a Grade I penalty.

(g) Surcharge

A disciplinary surcharge, in the maximum amount allowed by law, may be imposed on you for violating a rule of conduct.

**§ 1-06 Appeals**

You have the right to appeal an adverse decision rendered by the Adjudication Captain within two (2) business days of service of the decision. If you have been sentenced to a total of

thirty (30) days or more of punitive segregation or loss of all your good time on any one (1) Notice of Disciplinary Disposition (6500D), your appeal shall be forwarded to the General Counsel in the Department's Legal Division. Within five (5) business days of the receipt of your appeal, you will receive a written decision from the General Counsel regarding such appeal, unless further documentation/information is required by the General Counsel to decide your appeal. In those cases, the five (5) business day limit shall be extended and the reasons for the extensions will be noted on the General Counsel's decision to you. If you receive an unfavorable decision from General Counsel within ten (10) business days of the receipt of your appeal, you may file a petition for a writ under Article 78 of the CPLR. If you are sentenced to less than thirty (30) days punitive segregation or loss of less than all of your good time, you may appeal that decision to the Warden of the facility where the infraction occurred.

### Statement of Basis and Purpose

The Commissioner of the New York City Department of Correction is authorized by Sections 389, 623 and 1043 of the City Charter and Section 9-114 of the Administrative Code to adopt rules relating to the management of Department of Correction facilities and the conduct of inmates in such facilities.

### General Description of Changes

The proposed rules would amend Sections 1-01, 1-02 and 1-03 of Title 39 of the Rules of the City of New York. The purpose of the proposed rules is to further deter inmate misconduct and increase inmate compliance with institutional rules and regulations, thereby maintaining the good order of and increasing safety at the City's correctional institutions. The proposed rules incorporate many of the previously promulgated rules of conduct and also include new prohibitions, including testing positive for alcohol or illegal drugs/substances, refusing to provide a sample for random drug/alcohol and possessing electronic telecommunication and/or recording devices. In addition, the penalties for violations of certain rules of conduct have been increased. These additional rules and enhanced penalties have been determined to be necessary to further deter the entrance and use of contraband into Department of Correction facilities by inmates or their agents and to further deter misconduct, thereby positively affecting the good order of, and safety at, the City's correctional institutions.

### Specific Changes Initially Published for Comment

The list of areas of prohibited behavior in former Section 1-01 was omitted as duplicative of the list of rules of conduct fully described in Section 1-03. Proposed Section 1-01 introduces the Inmate Rule Book and informs the public that all inmates will be provided separately with additional information on certain subjects of these rules.

Former Section 1-02(a), "Due process – detainees in high security categories", has been updated and renumbered as Section 1-04, entitled "Hearing Procedures". Significant amendments include the notification that the Department is not required to provide inmates with the source of confidential information (1-03(a)(1)(ii)); a clarification of the requirements to permit inmates to call witnesses at their due process hearings (1-03(a)(2)(ii)) and of the right to

cross-examine witnesses (1-03(a)(2)(iv)), and the renaming of the "counsel substitute" as "hearing facilitator"

Former Section 1-02(b), "Homosexual housing", has been deleted from these rules because the Department no longer designates any housing areas as homosexual housing.

Former Section 1-02(c), "Centrally monitored case", has been deleted from these rules because the designation of an inmate as a "centrally monitored case" is an internal administrative categorization that does not itself affect housing, method of restraint, or any other incident of confinement that implicates an inmate's due process rights

Former Section 1-02(d), "Confiscation of property", has been clarified and replaced with proposed Section 1-02(a), "Property"

Former Section 1-02(e), "Recreation", has been clarified and replaced with proposed Section 1-02(b), "Recreation"

Former Section 1-02(f), "Religious services", has been clarified and replaced with proposed Section 1-02(c), "Religious rights".

Former Section 1-02(g), "Telephone calls", has been clarified and replaced with proposed Section 1-02(d), "Telephone calls".

Former Section 1-02(h), "Visiting", has been clarified and replaced with proposed Section 1-02(e), "Visits"

Former Section 1-03, "Inmate Discipline", has been renamed "Rules of Conduct".

Former Section 1-03(a) has been consolidated with former Section 1-02(a) as a proposed Section 1-04, "Hearing Procedures", which is described above

Former Section 1-03(b), "Penalties that can be administered", and 1-03(c), "Normative range of penalties", have been consolidated and renumbered as proposed Section 1-05, "Penalties". The majority of the changes in these sections are for clarification only. Additionally, the maximum period of punitive segregation for all Grade I offenses will be 90 days for each disciplinary charge (proposed Section 1-05(d)(1)).

Former Section 1-03(d), "Categories of offenses and consequent penalties", has been reorganized and renumbered as proposed Section 1-03, "Rules of Conduct"

Proposed Section 1-03(a) introduces the rules and states that the acts of conspiracy, attempt, and accessory will be punishable to the same degree as the actual offense involved

Proposed Section 1-03(b) would provide definitions for the terms "accessory", "any person", "attempt", "contraband", "conspiracy", "good time", "security risk group", and "unauthorized group".

Proposed Section 1-03(c), "Prohibited conduct", lists the specific actions that are prohibited for inmates in Department custody, with the grade of each offense. This section has been edited for clarity and reorganized to incorporate the rule numbering in effect in the Department. Additionally, the following conduct is now prohibited

- The possession, sale, exchange, or distribution of tobacco and tobacco-related products (proposed Rules 103.05 and 103.07) and alcohol (proposed Rule 103.08)

- The possession of any type of electronic telecommunication and/or recording device or part thereof (proposed Rule 103.12.5)
- The refusal to provide a DNA sample as required by law for designated offenders (proposed Rule 129.10)
- The refusal to provide a sample for random drug/alcohol testing (proposed Rule 130.10)
- Testing positive for alcohol or drugs (proposed Rules 130.11 and 130.12)
- Acts of hate (proposed Rules 131.00 and 131.10)

#### Changes Made After Receiving Comments

The Department received and reviewed comments from the public after publishing the proposed rules in the City Record on March 12, 2007. The following changes to the proposal have been made as a result of some of these comments.

#### § 1-02 Rights and Privileges

§ 1-02 (b) Recreation. This subdivision was amended to indicate that an inmate's right to participate in recreation for a security-related reason will be governed by the standards promulgated by the State Commission of Correction (9 NYCRR § 7028.6).

§ 1-02(c) Religious rights. This section is clarified by providing that inmates are to receive more information about their religious rights in jail in accordance with standards promulgated by the State Board of Correction (§ 1-08)

§ 1-02(d) Telephone calls. This subdivision has been amended to conform to existing local rules. In addition, the right to appeal a Department decision regarding telephone calls is now expressly set forth in this subdivision.

§ 1-02 (e) Visits. The right to appeal a Department decision regarding visits is now expressly set forth in this subdivision.

#### § 1-03 Rules of Conduct

§ 104.10 and § 104.11 ((5) Count Procedures, Grade II). The term "intentionally" is added to the proscriptions against causing a miscount (§ 104.10) and delaying the count (§ 104.11).

§ 109.12 ((10) Disrespect for Staff, Grade II). The term "annoy" has been deleted from the list of actions constituting disrespectful behavior towards staff members.



§ 120.10 ((21) Refusal To Obey a Direct Order, Grade II): The phrase "and without argument" has been deleted from mandate that inmates "promptly and completely" obey all orders of Department staff

§ 120.11 ((21) Refusal To Obey a Direct Order, Grade III): The phrase "and without argument" has been deleted from the mandate that inmates "promptly and completely" obey all orders of Department staff

#### § 1-04 Hearing Procedures

This section was revised to clarify the process and distinguish between disciplinary infraction, close custody and close custody/protective custody proceedings.

#### § 1-05 Penalties

##### (b)(iv). Reprimand

With respect to the penalty of "Reprimand", reference is made to the standards of the State Commission of Correction (9 NYCRR § 7028 6(a)) with respect to the deprivation of recreation.

#### § 1-06 Appeals

A new section has been added to describe procedures governing the already existing right to appeal an adverse decision rendered by the Adjudication Captain. This applies to sentences of (1) at least thirty days of punitive segregation or loss of all of one's good time, or (2) less than thirty days of punitive segregation or loss of less than all of one's good time.



Departamento de Corrección de la ciudad de Nueva York



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# **REGLAMENTO**

Del Recluso



**CIUDAD DE NUEVA YORK  
DEPARTAMENTO DE CORRECCIÓN**

Sección 1. SE REVOCA el capítulo 1, Título 39 de las Normas de la Ciudad de Nueva York y se agrega un nuevo Capítulo 1 que reza lo siguiente:

**Capítulo 1  
Libro/ Manual de Reglas para el Recluso**

**§ 1-01 Introducción**

Este capítulo establece las normas relacionadas con las instituciones del Departamento de Corrección de la Ciudad de Nueva York ("Departamento"). También se suministrará a todos los reclusos por separado información detallada relacionada con su encarcelamiento incluyendo los temas cubiertos por la sección 1-02 de estas normas.

**§ 1-02 Derechos y Privilegios**

(a) Propiedad

Cuando usted ingresa a la cárcel, cualquier propiedad que se le retire y que involucre un delito penal puede ser remitida a la agencia legal correspondiente para posible proceso penal y sujeta a acciones disciplinarias. Cualquier propiedad que se le retire y que no involucre un delito penal será identificada, recibida, almacenada y se le devolverá al momento de su liberación. Al momento de su encarcelamiento se le dará mayor información acerca de la propiedad que puede tener en la cárcel y el modo en que le será devuelta con posterioridad a su liberación.

(b) Recreación.

El Departamento limitará su derecho a participar de la recreación debido a motivos relacionados con seguridad conforme a los estándares de la Comisión del Estado de Corrección. Al momento de su encarcelamiento, se le dará mayor información acerca de cómo y cuando el Departamento puede limitar su recreación.

(c) Derechos Religiosos

Usted puede ir a servicios religiosos con la población general de reclusos excepto que se le considere que representa una amenaza para la seguridad de la institución, incluyendo si el Departamento estima factible que usted procederá a interrumpir el servicio. Al momento de su

encarcelamiento se le dará mayor información respecto a sus derechos religiosos en la cárcel conforme a los estándares de la Junta de Corrección de la Ciudad de Nueva York (§ 1-08)

(d) Llamadas telefónicas

El Departamento puede limitar sus llamadas telefónicas si constituyen una amenaza contra la seguridad de la institución o propiedad, si usted abusa las reglamentaciones relacionados con el uso del teléfono, o propiedad, conforme a una orden judicial. Al momento de su encarcelamiento se le dará mayor información respecto a sus derechos relacionados con los llamadas telefónicas.

Si está afectado por una determinación efectuada conforme a esta sub-división, puede apelar dicha determinación ante la Junta de Corrección de la Ciudad de Nueva York mediante notificación por escrito. Dicha notificación también debe ser entregada al Departamento de Corrección y a las Instituciones. También puede someter materiales relevantes adicionales para consideración de la Junta, el cual emitirá una respuesta por escrito respecto a la apelación dentro de los cinco (5) días laborales posteriores a su recepción.

(e) Visitas.

El Departamento puede revocar, negar o limitar sus visitas de contacto y ellas constituyen una grave amenaza para la seguridad institucional. Al momento de su encarcelamiento se le dará mayor información respecto a su derecho a visitas y a los horarios permitidos para dichas visitas.

Si usted está afectado por una determinación efectuada conforme a esta sub-división, puede apelar dicha determinación ante la Junta de Corrección de la Ciudad de Nueva York y ante el Oficial a Cargo, mediante notificación por escrito. También puede someter materiales adicionales relevantes para consideración de la Junta, el cual (o su designatario) emitirá una respuesta por escrito respecto a la revisión dentro de los cinco (5) días laborales posteriores a su recepción.

**§ 1-03 Normas de Conducta**

(a) Introducción

Esta sección establece el comportamiento que se prohíbe en las instituciones del Departamento de Corrección ("Departamento") El grado de cada delito está en el listado. Actos de conspiración, intento y complicidad serán castigados del mismo modo, tal como si fuera el delito real.

(b) Definiciones

(1) "Cómplice" significará cooperar de cualquier modo con la infracción de una norma del Departamento, antes, durante o después de cometida la infracción.

(2) "Cualquier persona" incluirá, pero sin restricción, al personal civil y uniformado del Departamento, personal médico, contratistas y sus empleados, visitantes y reclusos.

(3) "Intento" significará cualquier acto que atente a o tienda a cometer una infracción de la norma del Departamento.

(4) "Contrabando" significará cualquier artículo que no sea vendidos en la comisaría, que no se halle aprobado en la lista de artículos permitidos, que la cantidad sea mayor a la cantidad aprobada, o propiedad que el recluso no tenga permiso para tener en su posesión. El contrabando incluye artículos que puedan atentar contra la seguridad, el buen orden y la disciplina de la institución. Cualquier artículo que sea ilegal para un individuo respecto a su posesión en las instituciones del Departamento también será ilegal para su uso o posesión en las instituciones.

La posesión de contrabando puede someter a un recluso a proceso penal así como también a medidas disciplinarias. Cualquier persona que intente entrar contrabando a las instituciones también puede ser sujeta a proceso penal.

(5) "Conspiración" significará un acuerdo entre una o más personas para infringir una norma del Departamento.

(6) "Buena conducta" significará la una reducción de hasta un tercio del término de una sentencia definitiva o propiedad de ciertos compromisos civiles tal como lo permite la Ley de Corrección del Estado de Nueva York.

(7) "Grupo de Riesgo de Seguridad" significará a miembros de pandillas que sean receptores de contrabando intentado o real, y a portadores o usuarios de armas cuyas acciones infringen las leyes o normas establecidas de conducta, o personas que pertenecen a grupos cuyo propósito no es ético conforme a la autoridad que impone la ley.

(8) "Grupo no autorizado" significará cinco o más reclusos que permanezcan en estrecha proximidad física con cada uno cuando no están autorizados para hacerlo por parte del personal del Departamento.

(c) Conducta Prohibida

(1) Incendios Intencionales

Grado I:

100.10 Un recluso es culpable de incendio intencional cuando intencionalmente comienza o intenta comenzar un incendio o provoca o intenta provocar una explosión de cualquier clase.

(2) Agresión y Peleas

Grado I

101.10 Un recluso es culpable de agredir al personal cuando lo lastima o intenta lastimarlo, o cuando escupe al miembro del personal o arroja un objeto o sustancia a cualquier miembro del personal. La agresión o intento de agresión al personal siempre constituye un delito de Grado I.

101.11: Un recluso es culpable de agresión Grado I cuando hiere a cualquier otra persona, o cuando escupe o arroja un objeto o sustancia a cualquier otra persona.

101.12. Un recluso es culpable de agresión Grado I cuando lastima a otro recluso o cuando escupe o arroja un objeto o sustancia a cualquier otro recluso.

101.13: Un recluso es culpable de agresión armada cuando utiliza cualquier artículo para agredir o intentar agredir a otra persona.

101.14 Un recluso es culpable de pelea Grado I cuando se involucra en una pelea física con otro recluso resultando en heridas en la otra persona.

Grado II:

101.16. Un recluso es culpable de agresión Grado II cuando intenta herir a una persona que no pertenezca al personal, sin usar un arma ni causar heridas.

101.17: Un recluso es culpable de pelea Grado II cuando se involucra en pelea física con otro recluso sin provocarle heridas.

Grado III:

101.18: Un recluso es culpable de pelea Grado III cuando se involucra en una escaramuza no violenta con otra persona tal como rango, boxeo, lucha o entrenamiento.

(3) Soborno:

Grado I.

102.10: Un recluso es culpable de soborno cuando le da o intenta darle un beneficio, incluyendo, pero sin restricción dinero o artículos valiosos a otra persona, con el intento de influir sobre la conducta de la otra persona u obtener un beneficio para sí mismo.

(4) Contrabando

Grado I:



103.05: Los reclusos no tendrán productos relacionados con el tabaco, incluyendo, sin limitarse a, cigarrillos, cigarros, tabaco suelto, tabaco de mascar, papel enrollado, fósforos ni encendedores.

103.07. Los reclusos no venderán, intercambiarán o distribuirán productos relacionados con el tabaco, sin limitarse a, cigarrillos, cigarros, tabaco suelto, tabaco de mascar, papel enrollado, fósforos ni encendedores.

103.08: Los reclusos no harán, poseerán, venderán o intercambiarán ninguna bebida alcohólica.

103.10: Los reclusos no harán, poseerán, venderán o intercambiarán ningún arma de contrabando. Cualquier objeto que pudiere ser utilizado como arma puede ser clasificado como tal.

103.10.5: Los reclusos no poseerán o transportarán una hoja de afeitar provista por el Departamento fuera del área de alojamiento.

103.10.6: Los reclusos devolverán las hojas de afeitar provistas por el Departamento después de haberse afeitado conforme a los procedimientos del Departamento o de las instituciones. Las hojas de afeitar deben ser devueltas en la misma condición en que fueron recibidas, por ejemplo, tanto la hoja como la manija deben estar intactas.

103.11: Los reclusos no harán, poseerán, venderán, darán, o intercambiarán ningún narcóticos, parafernalia para narcóticos, ni cualquier otra sustancia controlada.

103.12: Los reclusos no harán, poseerán, venderán, darán, o intercambiarán ninguna parafernalia de escape. Cuando exista la posibilidad de que un artículo puede ser utilizado como ayuda para escape, puede ser clasificado como parafernalia de escape.

Las llaves, posesión de identificación que pertenezca a otra persona, o persona ficticia, la transferencia de la identificación de un recluso a otro, la posesión de prendas de recluso o cualquier artículo que pudieren contribuir al escape o que sugieran que se está planeando un escape, constituyen contrabando.

103.12.5: Los reclusos no poseerán ninguna clase de dispositivo de telecomunicación y/ o grabación ni cualquier parte de dicho dispositivo, que fuere diseñado para transmitir y/ o recibir comunicaciones telefónicas, electrónicas, digitales, celulares o por radio. El término "dispositivo de telecomunicación" incluirá entre otros, cualquier tipo de instrumento, dispositivo, máquina o equipo que esté diseñado para transmitir y/ o recibir señales telefónicas, electrónicas, digitales, celulares o por radio o comunicaciones o cualquier parte de dicho instrumento, dispositivo, máquina o equipo ni tampoco cualquier clase de instrumento diseñado para tener habilidades de sonido o grabación de imágenes e incluirá, pero sin restricción, un teléfono digital o celular, un paginador, mensaje de texto vía radio o módem (incluyendo un dispositivo de un equipo de módem.), una cámara fotográfica, una grabadora de video o dispositivo de grabación digital o de cinta, ni ningún otro dispositivo que tenga esas características. (Las radios que se venden en la comisaría están

excluidas de esta prohibición ) Los reclusos no podrán poseer ninguna clase de dispositivo o cualquier parte de dicho instrumento diseñada para tener habilidades de sonido o grabación de imágenes e incluirá, pero sin restricción, un teléfono digital o celular, un paginador, mensaje de texto vía radio o módem (incluyendo un dispositivo de un equipo de módem.), una cámara fotográfica, una grabadora de video o dispositivo de grabación digital o de cinta, ni ningún otro dispositivo que tenga esas características de grabación. Se prohíbe a los reclusos poseer cualquier clase de teléfono o cargador de baterías, o adaptador A/ C para cualquier dispositivo electrónico prohibido por oriente norma.

103.12.6: Los reclusos no poseerán ningún contrabando con el intento de venderlo o distribuirlo

103.12.7: Un recluso es culpable de delito de Posesión de Contrabando Grado I cuando dicho recluso posea dinero cuyo valor excede los veinte (\$ 20) dólares en efectivo o cheques. El dinero confiscado como contrabando será depositado en la tesorería de la ciudad y no será devuelto al recluso.

#### Grado II:

103.13: Los reclusos no venderán y no intercambiarán drogas con receta o sin receta. No poseerán drogas recetadas que el personal médico no les haya autorizado.

103.13.5: Los reclusos no tendrán drogas, recetadas o no, en cantidades que excedan aquellas autorizadas por el personal médico. No están autorizados a poseer medicación o drogas recetadas vencidas.

103.13.6: No se autoriza a los reclusos que posean drogas que, debido a receta u orden médica, deban ser ingeridas en vista del Departamento y/ o del personal médico.

103.13.7: Los reclusos no poseerán más de una hoja de afeitar provista por el Departamento.

103.14: Los reclusos no harán, poseerán, venderán, intercambiarán, utilizarán o exhibirán cualquier artículo que identifique al recluso como miembro o asociado de un Grupo de Riesgo de Seguridad o de una pandilla. Los artículos de importancia religiosa que sean identificadores de Grupos de Riesgo de Seguridad serán considerados como contrabando y si expuestos. La exhibición incidental o inadvertida de los artículos (por ejemplo, mientras se duchan, rezan el Rosario o practican otra clase de observación religiosa, se visten o desvisten, o cuando duermen) no serán considerados como "exhibición" conforme a esta norma.

103.15: Un recluso es culpable de delito de Posesión de Contrabando Grado II cuando posea dinero que no exceda los veinte (\$20) dólares o cheques o tarjetas de crédito. El dinero confiscado como

contrabando será depositado en la tesorería de la ciudad y no le será devuelto.

Grado III:

103.16: Los reclusos no poseerán materiales de entretenimiento no autorizados, artículos para arte o equipo de tatuajes ni implementos de escritura.

103.17: Los reclusos no poseerán cantidades no autorizadas de joyería, prendas, alimentos o propiedad personales.

103.18. Los reclusos no poseerán cantidades no autorizadas de propiedad provista por la Ciudad.

103.19. Los reclusos no poseerán ningún artículo no autorizado que específicamente no figure en el listado de esta sección.

(5) Procedimientos de Conteo

Grado II:

104.10: Los reclusos no provocarán un conteo erróneo.

104.11: Los reclusos no demorarán el conteo intencionalmente.

(6) Iniciando un incendio, arriesgando la salud o la seguridad

Grado II.

105.10: Los reclusos no crearán peligros relacionados con incendios, salud u otros relacionados con la seguridad.

105.11: Los reclusos no intentarán forzar ningún equipo de seguridad de incendio.

105.12. Los reclusos no provocarán alarmas falsas acerca de incendios, reclamos de emergencia de salud ni crearán cualquier clase de disturbios o problemas de seguridad.

105.13: Los reclusos no inundarán ninguna área habitacional ni ninguna otra área de las instituciones.

Grado III:

105.14: Los reclusos no almacenarán comida en su área de alojamiento ni en cualquier sitio de trabajo traídos de la comisaría, la cual debe ser almacenada en los recipientes provistos para alimentos.

105.15: Los reclusos no arrojarán basura, escupirán o tirarán basura ni ninguna clase de desecho o sustancia.

105.16: Los reclusos contemplarán todas las normas de las instituciones locales relacionadas con incendio, salud o seguridad.

105.17: Los reclusos limpiarán sus celdas o áreas de alojamiento, inodoro, piletas y todos los demás suministros a diario. Mantendrán sus celdas y camas ordenadas. Antes de abandonar sus celdas o áreas de alojamiento para cualquier propósito, limpiarán y harán las camas.

105.19: Los reclusos no ocultarán, obstruirán, marcarán, escribirán o colocarán cualquier foto en ninguno de los demás artículos propiedad del Departamento incluyendo paredes, ventanas, celdas y artefactos de luz.

105.20. Los reclusos no cocinarán en cualquiera de las áreas de alojamiento incluyendo ninguna de las celdas.

105.22: Los reclusos se mantendrán limpios así como sus ropas.

105.24. Los reclusos no obstruirán la vista dentro o fuera de cualquiera de las celdas colocando barras o cualquier clase de puerta, ventanas o ventanas para celdas de tal modo que obstruyeran la visión dentro o fuera de a celda.

(7) Demostraciones

Grado I.

106.10. Los reclusos no liderarán o intentarán liderar o incentivar a otros para que participen en boicots, huelgas laborales u otras demostraciones que interrumpan la rutina de las instituciones.

106.11: Los reclusos no participarán en boicots, huelgas laborales u otras demostraciones

(8) Destrucción de Propiedad

Grado I:

107.10: Un recluso es culpable de delito por la Destrucción de Propiedad Grado I cuando use propiedad, desfigure o destruya propiedad de la Ciudad, o propiedad privada que pertenezca a otra persona por un valor mayor a los cien (\$ 100) dólares. Grade II.

Grado II.

107.11: Un recluso es culpable de delito por la Destrucción de Propiedad Grado I cuando use propiedad, desfigure o destruya propiedad de la Ciudad, o propiedad privada que pertenezca a otra persona por un valor de entre diez (\$10) y cien (\$ 100) dólares

Grado III.

107.12: Un recluso es culpable de delito por la Destrucción de Propiedad Grado I cuando desfigure o destruya propiedad de la Ciudad, o propiedad privada que pertenezca a otra persona por un valor diez (\$10) o menos

(9) Conducta Indebida

Grado III:

108.10: Los reclusos no gritarán, maldecirán, usarán lenguaje abusivo o harán gestos obscenos hacia ninguna persona

108.11. Los reclusos no se comportarán de una manera ruidosa.

(10) Falta de Respeto hacia el Personal

Grado I

109.10: Los reclusos no se resistirán físicamente contra los miembros del personal.

109.11: Los reclusos no acosarán ni molestarán a los miembros del personal mediante el toque o frotación contra ellos.

Grado II:

109.12: Los reclusos no abusarán verbalmente ni acosarán a los miembros del personal ni harán gestos obscenos hacia ninguno de ellos.

(11) Interrupción de Programas Institucionales

Grado II:

110.10: Los reclusos no interferirán o interrumpirán servicios, programas o actividades especiales institucionales.

(12) Escape

Grado I:

111.10 Los reclusos no escaparán o ayudarán a otros a escapar, o a intentar escapar o ayudar a otros a escapar. Abandonar la propiedad del Departamento, instituciones del mismo o vehículo sin permiso del personal del Departamento constituye un escape.

(13) Extorsión

Grado I:

112.10: Los reclusos no harán amenazas, verbales, por escrito o mediante gestos contra cualquier miembro del personal con el propósito de obtener beneficios.

Grado II:

112.11: Los reclusos no harán amenazas, verbales, por escrito o mediante gestos contra cualquier persona que no pertenezca al personal con el propósito de obtener beneficios.

(14) Declaraciones Falsas

Grado II:

112.50: Los reclusos no prestarán a los oficiales del Departamento u a otros oficiales de otras entidades gubernamentales, declaraciones falsas verbales o por escrito para ningún propósito.

(15) Apostar

Grado III:

113.10: Los reclusos no se involucrarán en ninguna clase de apuestas.

(16) Toma de Rehenes

Grado I:

114.10: Los reclusos no tomarán a ninguna persona como rehén

(17) Procedimientos de Identificación

Grado III:

115.10: Los reclusos tendrán y exhibirán sus tarjetas de identificación del Departamento sujetas a la ropa que utilicen por sobre las demás en todo momento que se encuentren fuera de su celda o cuartos de dormir

115.11: Los reclusos inmediatamente mostrarán sus tarjetas de identificación del Departamento a instrucción de cualquier miembro del personal

115.12: Los reclusos han de reportar la pérdida de sus tarjetas de identificación de inmediato a los miembros apropiados del personal. A los reclusos se les cobrará una tarifa de \$ 6.00 por una tarjeta de identificación nueva con o sin sujetador. El sujetador es gratuito

(18) Personificación

Grado I:

116.10: Los reclusos no personificarán a ningún miembro del personal de ninguna manera

Grado II:

116.11: Los reclusos no personificarán a ningún otro recluso o ninguna otra persona de ninguna manera.

(19) Movimiento de Reclusos

Grado II:

117.10: Los reclusos seguirán las normas de las instituciones y órdenes del personal relacionadas con el movimiento dentro o fuera de las instituciones, incluyendo, pero sin restricción, normas y órdenes que se relacionen con estar sentado, o con estar dentro o fuera de la celda.

Grado III:

117.11: Los reclusos no podrán estar fuera de su área designada, incluyendo el estar en una celda que no les haya sido asignada ni podrán abandonar un área asignada tal como un área de trabajo o área de programa sin autorización.

(20) Compra, Venta o Intercambio de Servicios o Propiedad

Grado III:

119.10: Los reclusos no han de vender, comprar o intercambiar servicios o propiedad del personal con/ a otro recluso sin permiso

(21) Negación a obedecer una orden directa

Grado II:

120.10. Los reclusos deberán obedecer todas las órdenes del personal del Departamento de inmediato y en forma completa. El negarse a cumplir con las siguientes órdenes constituye un delito Grado II: dejar de pelear con o agredir a otra persona, cachearse, dejar que se investigue una celda, estar dentro o fuera de la celda, celebrar una reunión no autorizada, identificarse a si mismo, ir a corte, y cooperar con los procedimientos de admisión. Constituirá un delito Grado II el negarse a cualquier orden que se le dé a un recluso cuando se encuentre fuera de las instituciones y propiedad cuando se da una orden en una situación de emergencia.

Grado III:

120.11. Constituirá un delito Grado III el rehusarse a obedecer cualquier orden del personal pronta y plenamente

(22) Motines

Grado I:

121.10: Los reclusos no tomarán ninguna acción con la intención de tomar control sobre cualquier área o instituciones. Los reclusos en grupo no usarán o amenazarán con violencia contra cualquier persona o propiedad.

121.12: Los reclusos no deberán de modo alguno persuadir a otros reclusos para que tomen control sobre cualquier área o instituciones. Los reclusos en grupo no deben usarán o amenazarán con violencia contra cualquier persona o propiedad.

(23) Delitos de orden sexual

Grado I:

122.10. Los reclusos no forzarán o de ningún modo obligarán a cualquier persona a involucrarse en actividades sexuales.

Grado II.

122.11: Los reclusos no se involucrarán voluntariamente en actividad sexual con otra persona

122.12: Los reclusos no exhibirán las partes privadas de sus cuerpos de una manera lasciva.

Grado III.

122.13: Los reclusos no requerirán, solicitarán o de otro modo, incentivarán a cualquier persona a involucrarse en actividad sexual

(24) Contrabando

Grado I:

123.10: Los reclusos serán culpables de contrabando Grado I si, debido a sus acciones o actuando con otros, realizan contrabando de armas, drogas o productos relacionados, alcohol, tabaco o productos relacionados o parafernalia de escape dentro o fuera de las instituciones.

Grado III:

123.11. Los reclusos serán culpables de contrabando Grado III si, debido a sus propias acciones o con otros, realizan contrabando diferente del mencionado en la sección 123.10 de estas normas.

(25) Robo, Posesión de propiedad robada

Grado II.

124.10: Los reclusos robarán propiedad que pertenezca a cualquier otra persona o a la Ciudad sea que la propiedad tenga valor pecuniario o no.

Grado II:

124.11: Los reclusos no poseerán propiedad que pertenezca a cualquier otra persona o a la Ciudad sea que la propiedad tenga valor pecuniario o no.

(26) Alteración de documentos

Grado II

125.10. Los reclusos no destruirán, alterarán, cambiarán, falsificarán o darán a otros reclusos ningún documento institucional, pases o tarjetas de identificación.

125.11. Los reclusos no falsificarán la firma del personal, de un recluso o de cualquier otra persona en documentos, en la institución o de ninguna otra forma.

(27) Alteración de dispositivos de seguridad

Grado I:

126.10. Los reclusos no alterarán, destruirán o sabotearán dispositivos o equipo relacionado con la seguridad.

(28) Amenazas

Grado I:

127.10 Los reclusos no efectuarán amenazas verbales, por escrito o mediante gestos contra cualquier miembro del personal.

Grado II.

127.11 Los reclusos no efectuarán amenazas verbales, por escrito o mediante gestos contra ninguna persona que no sea miembro del personal.

(29) Reuniones no autorizadas

Grado I:

128.10: Los reclusos no se reunirán en grupos no autorizados en ningún sitio.

(30) Negación a proporcionar muestra para el banco de ADN

Grado 1.



129.10. Los reclusos no se rehusarán a proporcionar una muestra de AND si satisfacen los requisitos establecidos en el Artículo 49-B de la Ley Ejecutiva del Estado de Nueva York calificando como persona que es un delincuente designado. Un delincuente designado es una persona convicta o sentenciado por acusaciones especificadas en la sub-división (7) de § 995 del Artículo 49-B de la Ley Ejecutiva del Estado de Nueva York, incluyendo pero sin restricción, delitos sexuales, con drogas y aquellos que involucran armas peligrosas

(31) Negación a proporcionar muestra para análisis de drogas/ alcohol al azar

Grado I:

130.10. Los reclusos no se rehusarán a proporcionar una muestra de orina, cabello, saliva u otra, conforme a la política y procedimientos del Departamento cuando hubieren sido notificados por el jefe de las instituciones o por su designatario que han sido seleccionados para un análisis de drogas/ alcohol, sea al azar o basándose en sospecha razonable.

(32) Resultados positivos respecto a alcohol o Drogas/ Sustancias Ilegales

Grado I:

130.11 Los reclusos no arrojarán resultados positivos respecto a, o encontrarse bajo la influencia del alcohol, drogas/

Grado I:

130.12: Los reclusos no adulterarán o alterarán o intentarán adulterar o alterar una muestra de orina ni ofrecer como propia la muestra de otro individuo.

(33) Actos de Odio

Grado I

131.00 Los reclusos no se involucrarán en actos de odio contra ninguna persona debido a una creencia o percepción en cuanto a su raza, color, nacionalidad, afiliación con un grupo, religión, práctica religiosa, edad, sexo, discapacidad u orientación sexual.

131.10 Cualquier acción que apunte a una persona o grupo de un modo hostil y negativo queda estrictamente prohibido. Los reclusos no cometerán, intencionalmente, ninguna ofensa verbal o física contra el personal, los reclusos o visitantes total o parcialmente basándose en su raza, color, nacionalidad, afiliación con un grupo, religión, práctica religiosa, edad, sexo, discapacidad u orientación sexual

#### § 1-04 Procedimientos de Audiencias

Esta sección establece los procedimientos de audiencias

(a) Procedimientos Generales

(1) Cuando se le coloque contra su voluntad en una de las categorías más restrictivas de seguridad, incluyendo la segregación punitiva, se le dará notificación por escrito, respecto a lo siguiente.

- (i) Los motivos para la designación.
- (ii) La evidencia utilizada. No se requiere que el Departamento le provea la fuente confidencial de información.
- (iii) El derecho a una audiencia ante un Capitán de Adjudicación imparcial designado, de la Unidad de Adjudicación.
- (iv) Sus derechos en la audiencia.

(b) Procedimientos disciplinarios de audiencia

(1) Detención anterior a la audiencia (PHD)

Cuando se le coloca en Detención anterior a la audiencia (PHD) con anterioridad a su audiencia disciplinaria, la audiencia por infracción será celebrada dentro de los tres (3) días laborales de su transferencia a la PHD. Si no puede celebrarse dentro de ese plazo, el Capitán de Adjudicación evaluará si es posible que la audiencia se celebre dentro de otros tres (3) días laborales. La colocación en la PHD puede extenderse una vez por un máximo de tres (3) días laborales. Si la audiencia no se celebra dentro de ese plazo, el Jefe de Operaciones de las Instituciones o su designatario, determinará si debe ser colocado en Custodia Especial.

(2) Audiencias de Infracción Disciplinaria

Si Usted es colocado en la PHD, la audiencia disciplinaria tendrá lugar dentro de los tres (3) días laborales posteriores a que usted reciba la notificación por escrito, excepto que cualquier demora fuere justificada conforme a la Directiva 6500R-B III, C.2.

Las audiencias pueden celebrarse "in absentia" (es decir sin que la persona se encuentre presente) solamente bajo las siguientes circunstancias:

- (i) Se le notifica de la audiencia y usted se rehúsa a comparecer, o
- (ii) Usted comparece y se comporta de un modo perjudicial y negativo provocando una situación que es indebidamente peligrosa para la seguridad de la institución y se requiere su remoción del cuarto de audiencia, constituyendo por lo tanto una negación constructiva respecto a comparecer.

Cuando surjan cualesquiera de estas situaciones, la justificación para celebrar la audiencia "in absentia" será claramente documentada en la decisión tomada por el Capitán de Adjudicación.

(3) Si Usted solicita una audiencia, tendrá los siguientes derechos.

- (i) Comparecer personalmente
- (ii) Hacer declaraciones,
- (iii) Presentar evidencia material, relevante y simple (sin duplicado)
- (iv) Tener testigos que presten testimonio en la audiencia en tanto y en cuanto se hallen razonablemente disponibles y que su concurrencia a la audiencia de infracción no sea indebidamente peligrosa para la seguridad de la institución y para los objetivos correccionales.
- (v) Si Usted es analfabeto, o bien, si su caso es complicado, tiene derecho a ser asistido por un "moderador de audiencia" (no por un abogado)
- (vi) Si usted no entiende o no puede comunicarse en idioma inglés lo suficientemente propiedad para que se conduzca la audiencia en inglés, tiene derecho a tener un intérprete.
- (vii) Tiene derecho a apelar una decisión adversa

(c) Custodia Especial/ Custodia Protectora

(1) Si Ustedes transfendo a custodia cerrada (CC) incluyendo custodia protectora (CC/ PC), el Departamento ha de determinar dentro de un plazo de dos (2) días laborables si usted continúa en dicho alojamiento. Si usted no presta su consentimiento respecto a una decisión de continuar el CC o en CC/ PC se le notificará por escrito tal como lo establece §1-04(a)(1).

(2) La audiencia no se celebrará antes de las 24 horas y no después de los 3 (tres) días laborables posteriores a que usted reciba la notificación por escrito respecto a su designación para CC, excepto que se requiera un emplazamiento o por cualquiera de los motivos establecidos en la Directiva 6006R-C III, E. 8.

(3) El Capitán de Adjudicación le recomendará al Jefe de Operaciones de las Instituciones si usted debe permanecer en CC o CC/ PC, por escrito dentro del plazo de un (1) día posterior a la audiencia. Usted recibirá una copia de la decisión del Jefe de Operaciones de las Instituciones o propiedad de su designatario

(4) Si Usted es colocado en CC o en CC/ PC, el Departamento revisará su caso cada veintiocho (28) días para decidir si debe permanecer en dicho alojamiento. Será notificado por escrito de los resultados de dicha revisión

(5) Si Usted solicita una audiencia, tendrá los siguientes derechos:

- (i) Comparecer personalmente
- (ii) Ser informado de la evidencia en contra suyo que haya dado lugar a la designación.

- (iii) La oportunidad de hacer una declaración
- (iv) Convocar a testigos, sujeto al criterio del Capitán de Adjudicación
- (v) Presentar evidencia
- (vi) El derecho a una determinación por escrito con motivos.

(d) Varios

(1) Si Usted es analfabeto, si el caso es muy complejo, o bien una transferencia anterior a la audiencia hubiere restringido el acceso a testigos potenciales, tiene derecho a contar con un "moderador de la audiencia" (no con un abogado). En audiencias que no sean audiencias de infracción disciplinaria, el Departamento, a su entera discreción, le permite tener a un abogado presente que está dispuesto a representarle.

(2) Si usted no comprende inglés, tendrá un intérprete.

(3) Los procedimientos de la audiencia son grabados

**§ 1-05 Penalidades**

(a) Introducción

Si se le encuentra culpable de infringir una norma de conducta del Departamento, su penalidad dependerá de la gravedad de la ofensa. Los delitos Grado I son los más severos y los de Grado III son los menos severos. La penalidad también dependerá de los hechos y circunstancias de su caso. Si usted tiene una buena explicación o justificación por sus acciones, lo que se conoce como "circunstancias mitigantes" – puede recibir un penalidad menos severa.

Cualquiera de las penalidades establecidas anteriormente, o una combinación de ellas, le puede ser impuesta por haber infringido las normas de conducta del Departamento.

(b) Reprimenda

Usted puede perder uno o más privilegios, temporal o permanentemente excepto que.

- (i) No será privado del derecho a recibir visitas aunque las visitas de contacto pueden ser reemplazadas por visitas sin contacto.
- (ii) No será privado del derecho a enviar o a recibir correspondencia.
- (iii) No será privado del derecho a contactar asesoría legal
- (iv) No será privado del derecho a tener recreación como sanción de una infracción

(c) Pérdida de Periodo de Buena Conducta

Si usted está sentenciado y por ende, se halla cumpliendo su sentencia en las instituciones del Departamento, usted puede perder periodo de buena conducta.

- (i) Usted puede perder periodo de buena conducta por un delito Grado I.
- (ii) Lo máximo que usted puede perder por un delito Grado II son 2 tercios del periodo completo de buena conducta.
- (v) Lo máximo que usted puede perder por un delito Grado III es 1 tercio del periodo completo de buena conducta.

(d) Segregación Punitiva

(i) El máximo periodo de segregación punitiva para un delito Grado I es de noventa (90) días para cada uno de los cargos disciplinarios.

(ii) El máximo periodo de segregación punitiva para un delito Grado II es de veinte (20) días para cada uno de los cargos disciplinarios.

(iii) El máximo periodo de segregación punitiva para un delito Grado III es de diez (10) días para cada uno de los cargos disciplinarios.

(e) Restitución

Si se le encuentra culpable de dañar o destruir propiedad de la Ciudad, puede ordenársele pagar restitución, la cual puede ser tanto como el costo de restitución del artículo o propiedad, más costos por mano de obra resultantes del arreglo o reemplazo del artículo dañado o destruido. Si se le encuentra culpable de una agresión que provoca la necesidad de servicios médicos, puede ordenársele hacer un pago de restitución por el costo que a la Ciudad le han provocado dichos servicios médicos.

(f) Ofensas/ delitos repetidos

La tercera vez que se le encuentre culpable de una infracción de una norma de conducta por el mismo delito durante el mismo periodo de encarcelamiento, puede ser sentenciado a una penalidad que se aplica a delitos u ofensas de mayor grado. Por ejemplo, la tercera vez que se le encuentre culpable de infringir una ofensa específica Grado III durante el mismo periodo de encarcelamiento, se le puede imponer una penalidad Grado II. Del mismo modo, la tercera vez que se le encuentre culpable de infringir una ofensa específica Grado II durante el mismo periodo de encarcelamiento, se le puede imponer una penalidad Grado I.

(g) Recargo

Se le puede imponer un recargo disciplinario, hasta el máximo permitido por la ley, por infringir una norma de conducta

#### **§ 1-06 Apelaciones**

Usted tiene derecho a apelar una decisión adversa efectuada por el Capitán de Adjudicación dentro de los dos (2) días laborables posteriores a la notificación de dicha decisión. Si usted ha sido sentenciado por un cantidad total de treinta (30) días o más de segregación punitiva o pérdida del periodo completo de buena conducta por una (1) Notificación de Disposición Disciplinaria (6500D), su apelación será remitida al Consejo General de la División Legal del Departamento. Dentro de cinco (5) días laborables de la recepción de su apelación, usted deberá recibir una decisión por escrito del Consejo General respecto a dicha apelación, excepto que el Consejo General requiera documentación/ información adicional para decidir sobre su apelación. En tales casos, el límite de cinco (5) días laborables se extenderá y los motivos por tales prorrogas serán anotados en la decisión que el Consejo General le dará oportunamente. Si usted recibe una decisión adversa del Consejo General dentro de los diez (10) días laborables de la recepción de su apelación, puede solicitar una petición de una orden de la corte conforme al Artículo 78 de la CPLR. Si usted está sentenciado por menos de treinta (30) días de segregación punitiva o pérdida del periodo completo de buena conducta, puede apelar tal decisión ante el Guardia de las instituciones donde ocurriere la infracción.