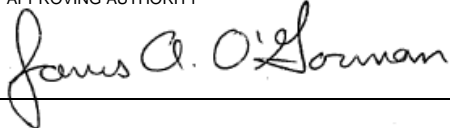
 <p>NEW YORK STATE Corrections and Community Supervision</p> <p>DIRECTIVE</p>	TITLE		NO. 4003
	<p>Double Cell Housing in Converted Single Cells</p>		DATE 06/13/2018
SUPERSEDES DIR# 4003 Dtd. 05/16/2017	DISTRIBUTION A B	PAGES PAGE 1 OF 6	DATE LAST REVISED
REFERENCES (Include but are not limited to) Dir. #4009, #4932, #4948; 9NYCRR Part 7621; ACA Expected Practices 4-4133	APPROVING AUTHORITY 		

Sections.

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§ 1701.1 PURPOSE

To provide protocols for the management of double-cell housing constructed before 1996 in existing maximum and medium security facilities where approval has been granted by the State Commission of Correction (SCOC).

§ 1701.2 DEFINITIONS

As used in this Directive, *double-cell housing* shall mean a maximum or medium security cell (i.e., an individual self-contained space with a controlled locking device secured from inmate access) originally designated to accommodate a single inmate that has been equipped to accommodate two inmates and has been inspected and approved by the SCOC for conversion to double-cell use.

§ 1701.3 CELL SELECTION

- (a) The Commissioner or Deputy Commissioner for Correctional Facilities shall establish the specific number of proposed double-cells within a correctional facility.
- (b) The Superintendent shall designate specific cells within the facility for proposed conversion to double-cell housing. Such cells should be distributed as evenly as possible between cell tiers in general population and located as close to an officer's station as feasible. Cells within designated special housing units may not be considered for double-cell housing without approval from the Commissioner or Deputy Commissioner for Correctional Facilities.
- (c) Upon approval by the Commissioner or Deputy Commissioner for Correctional Facilities, the facility double-cell housing plan shall be submitted for authorization to the SCOC in accordance with Part 7621 of Title 9, NYCRR.

§ 1701.4 DOUBLE-CELL HOUSING EQUIPMENT

- (a) Inmates assigned to double-cell housing shall be afforded all rights and privileges specified in Directive #4009, "Minimum Provisions for Health and Morale," except that the equipment provided in a double-cell shall be in accordance with this section.
- (b) Each double-cell shall contain:
 - (1) Lighting equal to at least 20 foot candles at desk level and in the personal grooming area (each cell will be equipped with one permanent light fixture and, if electrical capacity permits, one clip-on light for the bottom bunk bed);
 - (2) One sink;
 - (3) One toilet;
 - (4) One bed, mattress and pillow for each inmate;
 - (5) One locker for each inmate;
 - (6) One audio signal "splitter" for those cells equipped with a functioning audio outlet; and
 - (7) One bar of antibacterial soap for each inmate, in addition to personal hygiene items and flatwork normally provided.
- (c) In double-cells less than 80 square feet:
 - (1) The cells shall also contain one electric fan (plastic casing and blades), electrical capacity permitting; and
 - (2) Inmates shall be permitted to place a privacy curtain, approved by the Deputy Superintendent for Security, between the toilet and bed while the toilet is in use. The curtain shall not obstruct the view of either inmate from the front of the cell.

§ 1701.5 SELECTION OF INMATES FOR DOUBLE-CELL HOUSING

- (a) Responsibility: The Deputy Superintendent for Security shall be responsible for the selection of inmates for double-cell housing. The Deputy Superintendent for Security or designee shall conduct a risk assessment using the eligibility, suitability, and compatibility criteria set forth in subdivisions (b), (c), and (d) below.
- (b) Eligible Population: In determining which inmates shall be considered for assignment to double-cell housing, the facility shall first consider those inmates newly transferred into the facility; provided, however:
 - (1) An inmate temporarily moved to attend an outside court, a death bed/funeral visit, or to receive outside medical/psychiatric treatment may not be assigned to double-cell housing upon return to the facility, unless the inmate was assigned to double-cell housing prior to such move; or
 - (2) A general population inmate transferred for non-disciplinary reasons may not be assigned to double-cell housing in general confinement at the receiving facility, if the inmate meets all of the following criteria:
 - (i) The inmate has been with the Department for at least two years following initial reception/classification and transfer to a permanent facility;
 - (ii) The inmate has had no Tier II or III disciplinary determinations of guilt within the last two years; and
 - (iii) The inmate has not volunteered for double-cell housing (a transfer sought by an inmate may be conditioned upon the inmate volunteering to be housed in a double-cell at the receiving facility).

(c) Assessment of Suitability

- (1) *Information Assessment:* When determining an inmate's suitability for a double-cell assignment, the Deputy Superintendent for Security or designee shall review the information contained in the inmate population management system and other records as deemed appropriate to determine if factors exist that would preclude such assignment.
- (2) *Physical Status*
 - (i) *Size:* Any inmate over 6'5" or currently weighing over 299 pounds shall be precluded from a double-cell assignment.
 - (ii) *Age:* Except for volunteers, any inmate 70 years of age or over shall be precluded from a double-cell assignment.
 - (iii) *Health:* Any inmate with a communicable disease or physical disability who facility medical staff conclude should not be housed in a double-cell, based on screening, see paragraph (6) of this subdivision, shall be precluded from a double-cell assignment (e.g., confinement to a wheelchair or receiving "directly observed therapy" for treatment of Tuberculosis - so long as the inmate is on active treatment).
- (3) *Mental Status*
 - (i) *Level 1:* Any inmate currently classified as Level 1 by OMH staff shall be precluded from a double-cell assignment;
 - (ii) *Levels 2 and 3:* If an inmate is classified as Level 2 or 3 by Office of Mental Health ("OMH") staff, the inmate's record must be closely scrutinized prior to assignment to a double-cell. Factors that may preclude such an assignment would be:
 - (a) Extremely poor disciplinary adjustment;
 - (b) Input from OMH staff specifically recommending a single-cell assignment;
or
 - (c) Any other documented behavior that, when coupled with such OMH designation, would lead the Deputy Superintendent for Security or designee to determine that the inmate would not be an appropriate double-celling candidate.
- (4) *History and Behavior:* The following inmates shall not be approved for double-cell housing, except in accordance with paragraph (5) of this subdivision:
 - (i) *Victim prone:* Inmates currently in "voluntary protective custody" or "involuntary protective custody" status in accordance with Directive #4948, "Protective Custody Status." In addition, any inmate with a pattern of being victimized by other inmates resulting in serious physical injury or sexual abuse;
 - (ii) *Assaultive inmates:* Inmates with a pattern of predatory assaults on other inmates by the use of contraband weapons or where the assaults resulted in serious physical injury to the victims;
 - (iii) *Criminal histories of extreme violence:* Inmates whose criminal histories involve a pattern of acts of violence resulting in serious physical injury to victims, or inmates whose crime(s) of commitment involve acts of violence resulting in serious physical injuries to multiple victims or intentional and depraved infliction of extreme physical pain resulting in serious physical injury to any one victim; or
 - (iv) *Same gender sexual violence:* Inmates found guilty at facility disciplinary hearings of engaging in same gender sexual violence acts while incarcerated.

- (5) Since the assessment of an inmate's ineligibility for double-celling is based upon a history of demonstrated behavior in paragraph (4) of this subdivision and it is possible for the inmate to positively change such behavior, the Deputy Superintendent for Security may exercise a limited amount of flexibility when determining double-cell assignments. For this reason, an "override factor" has been included in the screening process and may be utilized when more recent history and behavior by the inmate show a positive adjustment factor mitigating in favor of double-cell housing despite earlier events. Whenever the override factor is utilized, the Deputy Superintendent for Security must provide the specific reason on [Form #2201](#), "Double-Cell Housing Information Sheet."
- (6) *Medical screening*
- (i) *Medical records screening:* The Deputy Superintendent for Security or designee shall provide a list of inmates under consideration for double-cell housing to the facility Health Services Director or designee. The facility health staff shall conduct a medical records review prior to possible double-cell assignment and advise the Deputy Superintendent for Security or designee of the existence of a medical condition that would preclude double-cell housing or require placement in a bottom bunk bed.
- (ii) *Physical assessment:* Either prior to or within 48 hours of an inmate's placement in a double-cell, a physical assessment will be conducted. If facility health staff determine that a change in the inmate's current housing is required, that information shall be conveyed to the Deputy Superintendent for Security or designee and the appropriate change in housing shall be made.
- (iii) *The form used:* The facility health staff shall utilize [Form #3117](#), "Screening and Physical Assessment for Placement in a Double-Cell," when both conducting the medical records screening review and physical assessment.
- (d) Assessment of Compatibility: After an inmate's record has been appropriately screened and the Deputy Superintendent for Security or designee has determined that the inmate is a suitable candidate, an assessment of compatibility with the other inmate assigned to the cell shall be made. The following criteria shall be used in making this determination:
- (1) *Volunteers:* Whether two inmates have requested to be housed together.
 - (2) *Ethnic or religious background:* The facility should attempt to take into account the ethnic and religious background of both candidates for the same double-cell. It is not necessary, however, that they share the same ethnic or religious background.
 - (3) *Language:* The ability of inmates to communicate with each other.
 - (4) *Size or other physical characteristics:* The physical capabilities and needs of inmates (e.g., two inmates both requiring a bottom bunk should not be housed in the same cell).
 - (5) *Age:* The respective ages of the inmates. Inmates age 60 and over must be assigned bottom bunk.
 - (6) *Criminal history/length of sentence:* Years to earliest release and nature of crimes.
 - (7) *Program/Job assignment:* The inmates' program or job assignments (certain program and job assignments require inmates to house on the same location).
 - (8) *Family relationship:* Familial relationship between inmates (e.g., siblings or cousins).
 - (9) *Known enemies:* Inmates who are known enemies of record or who the Department has otherwise determined should be kept apart.

- (e) Double-Cell Information Sheet: The list of factors governing both suitability and compatibility is not exhaustive. Other factors may also be considered. [Form #2201](#) has been developed to properly record each step in the screening/risk assessment process. Each applicable section must be completed by the Deputy Superintendent for Security or designee. "Health Service Review Results" and "Mental Health Status" sections may be completed based on verbal or written input from the appropriate areas. A copy of the completed form should be forwarded to the Inmate Records Coordinator and the Movement and Control Officer for each inmate approved for double-celling.
- (f) Notwithstanding any other provision of this section, no inmate has a right to be housed in a double-cell or to be housed in a double-cell with a particular inmate. An inmate's request to be housed in a double-cell or to be housed in a double-cell with a particular inmate can be denied by the Deputy Superintendent for Security or designee in the exercise of his or her sound discretion.

§ 1701.6 PERSONAL PROPERTY

- (a) Inmates will be responsible for proper storage of property and the neat and orderly appearance of their individual cell space.
- (b) Double-cell Property Limit: Personal property possessed by each inmate in a double-cell shall be limited to the amount of property that will fit in three standard draft bags (including legal material). Personal property shall be stored in the individual locker. Any property beyond what can be stored in the individual locker may be stored in two draft bags provided by the Department for storage of property. The floor space under the bottom bunk bed may be used by both inmates for storage of property. Of the total available space under the bottom bed, the half closest to the cell door will be utilized by the inmate assigned to the bottom bunk. The remaining space may be utilized by the inmate assigned to the top bunk.
- (c) Secure Area Storage: In addition to the property inmates may store in a double-cell, each inmate may elect to store up to two standard draft bags of personal property in a secure area designated by the Superintendent for the duration of his or her double-cell assignment. [Form #2064](#), "Personal Property Transferred," will be utilized to inventory all stored property. Upon written request, the inmate will be given access to such stored property once every 30 days to withdraw or store items.
- (d) Inmate personal property beyond the amount permitted in the cell and the two bags held in storage, will be disposed of pursuant to the Department's established procedure regarding the disposal of surplus or disallowed property.

§ 1701.7 MOVEMENT OF INMATES AFTER SELECTION FOR DOUBLE-CELL HOUSING

- (a) No inmate may refuse placement in double-cell housing.
- (b) The movement of inmates out of double-cell housing shall be the responsibility of the Deputy Superintendent for Security.
- (c) The movement of an inmate out of double-cell housing shall be based upon the length of time in double-cell housing, the needs of the facility, and the inmate's medical needs, program and work assignments.
- (d) No inmate shall be confined in a double-cell for a period of more than 60 days unless such inmate volunteers to remain in the double-cell for a longer period of time. At the expiration of the 60 days, if an inmate does not volunteer to remain in a double-cell, the inmate shall be moved to a single cell or multiple occupancy housing at either his or her current facility or a new facility.

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- (e) Inmates in double-cell housing will be specifically assigned to either the upper or lower bunk and may not change such assignment without the approval of the Deputy Superintendent for Security or designee. If the lower bunk was assigned for medical reasons, the DSS or designee shall consult with medical staff before any change.

§ 1701.8 RESTRICTIVE CONFINEMENT OF INMATES ASSIGNED TO DOUBLE-CELL HOUSING

- (a) Except for inmates housed in double-cells measuring a total of 80 square feet or larger, every effort shall be made to avoid simultaneous occupancy of a double-cell by inmates who have been confined to a cell pursuant to Section 253.7 or 254.7 of Directive #4932, "Chapter V, Standards Behavior & Allowances."
- (b) Where double-cells measure less than a total of 80 square feet, the facility Watch Commander shall be immediately notified if any inmate housed therein has been confined to a cell pursuant to Section 253.7 or 254.7 of Directive #4932. To avoid two inmates being simultaneously confined for an extended period, the Watch Commander shall, within seven days, order one of the inmates moved to another double-cell or to other housing as deemed appropriate.